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Situation of the freedom of assembly in Azerbaijan POLICY PAPER

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Summary

Freedom of assembly in Azerbaijan is protected not only by the constitution of Azerbaijan Republic, but also by international documents ratified by AR. However, there are serious problems related to the issue in Azerbaijan. These problems stem from both current legislation and its wrong and restrictive application in practice. The objective of the research is to find out these problems and give recommendations to improve the current situation.

The research paper consists of 7 sections, named by methodology, introduction, legislation, monitoring of current situation, conclusion, and recommendations. In methodology, resources, the ways which used to access information and how the information was analysed were shown.

Introduction cites the importance of freedom of assembly, how the significant report of Amnesty International evaluated the situation of freedom of assembly in previous, reasons which necessitated new research about the issue.

The “Legislation” section consists of two chapters. The first chapter deals with the internal standards governing freedom of assembly - Article 49 of the Constitution, The Law on Freedom of Assembly of The Republic of Azerbaijan, the articles in the Code of Administrative Offenses and the Criminal Code which regulates interferences with the freedom of assembly. Thus, in this chapter, the information about the concept of the assembly, the legal methods of holding assembly, the reasons for and forms of interference are provided. The second chapter deals with binding international legal documents on the freedom of assembly which were ratified by AR, the guiding principles of a number of human rights bodies and the key decisions of the European Court of Human Rights on freedom of assembly.

The first chapter of the "Monitoring of the current situation" section describes the assemblies which were interfered by government and the forms of interferences during the chosen period (from September of 2016 to May of 2019). This chapter is divided into several subchapters according to the content of the assemblies: political, social and various assemblies. In addition, assemblies that are not regulated by The Law on Freedom of Assembly of The Republic of Azerbaijan are reflected in two subchapters: assemblies on holidays and special days, such as mourning, funeral, religious and wedding ceremonies and assemblies conducted in closed places. This section also deals with the interference into professional activity of journalists and assemblies that were restricted or prohibited by the Baku City Executive Power. The facts in each subheading are arranged in chronological order.

The fifth section deals with the assessment of international human rights organizations about the situation of freedom of assembly in Azerbaijan and the assessment and recommendations of other countries in the latest Universal Periodic Review of the UN Human Rights Council.

The “conclusions” section describes the results of the analysis of the legislation and performed monitoring. In this section gaps in the legislation were revealed and interferences with the freedom of assembly in practice were analyzed and their lawfulness was examined. Eventually, the “Recommendations” section discusses what steps should be taken both in legislation and in practice to prevent unlawful interference with the freedom of assembly.

Acronyms

AI	Amnesty International
APFP	Azerbaijan Popular Front Party
AR	Azerbaijan Republic
BCEP	Baku City Executive Power
CAO	Code of Administrative Offences
CC	Criminal Code
ECHR	European Court of Human Rights
EU	European Union
KLO	Karabakh Liberation Organization
MPDBC	Main Police Department of Baku City
NAP	New Azerbaijan Party
NCDF or NC	National Council of Democratic Forces or National Council
OSCE	Organization for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
REP or EP	Region Executive Power or Executive Power
RFE / RL	Radio Free Europe/ Radio Liberty
UN	United Nations
USA	United States of America

1. Introduction

“The Civil Liberties Union for Europe” – non-governmental organization promoting human rights in the EU describes the significance of the freedom of assembly in that way:¹

“In democratic societies, free assembly is one of the instruments by which people can bring about social change. Freedom of assembly is an important means through which the public can express their views to their leaders and to other members of society. It promotes public discourse and diversity, and it is also a proper tool to achieve changes in society.

¹ <https://www.liberties.eu/en/news/freedom-of-assembly-public-education/13174>

...Demonstrations may inconvenience us, such as when we are trying to get to work and the fastest route to our workplace is closed down due to the event. But because we are living together in a society, we should remember how important it is that all of us have a say in what we do and how we do it. When people are denied this right to speak up, they are denied their dignity.”

Department of State of the USA has noted the situation of the freedom of assembly in Azerbaijan in its 2008 Country Reports on Human Rights Practices²:

“The government's human rights record remained poor and worsened in some areas... Restrictions on freedom of assembly continued, particularly in terms of political organizing, peaceful protests, and religious activity.

The law provides for freedom of assembly; however, the government severely restricted this right in practice. Although the constitution stipulates that groups may peacefully assemble only with prior notification of relevant government bodies, the government continued to interpret this provision as a requirement for advance permission from the Baku mayor's office.”

In 2011 AI has noted that the rights to freedom of expression and assembly in Azerbaijan are severely restricted in its report by the name of “The Spring That Never Blossomed”³:

“Amnesty International is deeply concerned by the restrictive interpretation and application of the right to freedom of assembly by the Azerbaijani authorities... The denial of the permission to gather anywhere in central Baku and the beating of largely peaceful protesters clearly violated Azerbaijan's international human rights obligations... The organizers of public protests are therefore placed in the invidious position of having either to consent to protest in irrelevant and unsuitable locations, or run the risk of the severe clampdowns that took place during the March and April protests.”

It is apparent from the conclusions and recommendations of two domestic reports related to the freedom of assembly - the first one is performed by Citizens' Labor Rights Protection League in 2007 and the second one is performed by Democracy Learning Public Union in 2014 – that in 7 years significant improvements did not happen. The problems addressed in 2007 remained unsolved in 2014.

It has been a long time that new report completely dedicated to this issue has not been performed. Moreover, regular news on the restrictions on freedom of assembly in the press has made it necessary to re-examine the issue.

2. Methodology

To assess current situation domestic and international legislation concerning the freedom of assembly was analyzed and the concept and grounds for interferences were determined. While analyzing international legislations both binding and non-binding documents were considered, thereby describing the ideal situation of the freedom of assembly in practice. To collect facts questionnaires were sent to relevant authorities and political parties, but Baku City Executive Power (hereafter BCEP) rejected to respond to the questionnaire by reason of heavy workload.

² <https://2009-2017.state.gov/j/drl/rls/hrrpt/2008/eur/119068.htm>

³ <https://www.amnesty.org/download/Documents/32000/eur550112011az.pdf>

Furthermore, as a part of media monitoring, news in the websites, such as Main Police Department of Baku City (hereafter MPDBC), “Report.az”, “Voice of America”, “Azadliq.org” and “Turan.az” was examined. Additionally, videos published on the YouTube page of “Meydan TV” were also researched. In the sixth section, the latest reports and statements of organizations operating in the field of human rights described and evaluated the situation in Azerbaijan.

All the gained information were assessed by the method of analysis-synthesis and the conclusions were reached.

3. Legislation

3.1.Domestic Legislation

The concept of assembly. The freedom of assembly is regulated by the 49th article of the Constitution of AR⁴ and another law named by “The law on freedom of assembly of the Republic of Azerbaijan”⁵. In the 49th article of the Constitution and the third article of the given law, the forms of assemblies protected by law are shown: gathering, meeting, demonstration, street procession, and picket. At the same time, assemblies which are not regulated by the given law are also given in the 4th article of the same law. They are assemblies conducted in private ownership and closed places designed for public events. In addition to them, weddings and funerals, holiday and mourning events and religious ceremonies are non-regulated assemblies, however, if these assemblies are used for organizing gatherings, meetings, demonstrations, street procession and pickets, they can be limited or suspended.

Notification procedure. According to the fifth article of the law on freedom of assembly of the Republic of Azerbaijan, notification is required to conduct assemblies. The persons wanting to conduct assemblies – organizers have to notify in advance the relevant body of executive power in written 5 business days prior to the day of convening the intended assembly. The meaning of requiring notification is to allow the relevant body of executive power to make necessary arrangements, particularly in terms of safety. Some kind of information has to be provided in written notification: the form, the purpose, the place and time, approximate number of participants, proposed route (in case of street procession), personal and contact information of the organizers. Fortuitous assemblies are considered as an exception, written notification is not required in these cases.

Government’s interference with assemblies

According to the 49th article of AR Constitution, following restrictions can be put on the freedom of assembly:

“Everyone has the right, having notified respective governmental bodies in advance, peacefully and without arms, meet with other people, organize meetings, demonstrations, processions, place pickets.”.

⁴ <http://www.e-qanun.az/framework/897>

⁵ <http://www.e-qanun.az/framework/3229#>

According to legislation government can interfere with people's right to freedom of assembly in 3 different times: before, during and after assembly.

Interference before the assembly. According to 7th, 8th and 9th articles of the law on freedom of assembly of the Republic of Azerbaijan two types of interferences can be made before the assembly:

- 1) it can be restricted, meaning that organizers can be demanded to change the location, time and route (in case of street procession);
- 2) convening the assembly can be prohibited.

Restricting. According to the article 7, paragraph 1, assemblies can be restricted in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. However, 2nd and 3rd paragraph of the same article put forth the principles of proportionality and necessity.

Furthermore, according to article 9, paragraph 2, in the case of holding counter-assembly and there are sufficient grounds for assumption of a conflict between parties caused by counter-assembly, a relevant body of executive power shall propose the organizers of the counter-assembly to determine another venue and time. According to 4th paragraph of the same article, holding of assemblies of political content can be restricted in places of worship, chapels and cemeteries.

Prohibiting. According to the 8th article of The Law on Freedom of Assembly of the Republic of Azerbaijan Assemblies accompanied by calls to discrimination, hostility, violence, propagandizing national, racial or religious discord and propagandizing war are completely prohibited. Additionally, holding peaceful assembly with political goals is prohibited 24 hours prior to the day of elections and referenda till closure of constituencies.

Restrictive grounds provided in the article 7, paragraph 1 of the given law (in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others) can also be used as prohibiting grounds. According to article 8, paragraph 4, as one of the restrictive grounds – for safety, holding a peaceful assembly of political content can be prohibited by the decision of the relevant body of executive power during the period of carrying out international events of state importance on days and the territories of cities and regions where they are conducted.

Article 9, paragraph 3 of the given law, holding assemblies, with the exception of pickets, is prohibited in a radius of 200 meters around important state buildings⁶, in places located closer than 150 meters to the boundaries of the territories used for military purposes and the territories of penitentiaries, pre-trial detention and psychiatric medical institutions, as well as in the construction sites and other areas which can pose threat to human rights or where safety measures have to be complied strictly.

Interference during the assembly. According to the Law on Freedom of Assembly of the Republic of Azerbaijan can be suspended. In case of using wedding and funeral ceremonies, holiday and mourning events and religious ceremonies for organizing gatherings, meetings,

⁶ http://e-qanun.gov.az/alpidata/framework/data/15/c_f_15469.htm

demonstrations, street procession and pickets, these assemblies and fortuitous assemblies can be suspended on the grounds stipulated in the 7th and 8th articles of the present law. However, prohibition or suspension of any assembly shall be considered as a measure of last resort and shall be applied only when other restrictions are not sufficient.

In the present law, 1st paragraph of the 14th article regulating powers of bodies of polis also contains some restrictions which can be made during the assemblies. With the exception of fortuitous assemblies, police forces can suspend any assembly if the organizers did not submit a written notification. Additionally, police forces can also suspend any assembly if organizers change the location and time or route (in case of street procession) without any reason.

Interference after assembly. Administrative and criminal liability is a type of interferences after the assembly. Legal grounds for this liability are shown in the following laws:

The Code of Administrative Offences. The administrative penalties are mentioned in Articles 510, 513, and 535.1 of the Code of Administrative Offenses ⁷.

According to 510th article of CAO, Committing the acts of minor hooliganism which violate public order is punished with the imposition of penalty in amount of 50-100 nominal financial unit (hereafter azn) or administrative arrest for period up to 15 days.

According to 513th article of CAO contains penalties for the organization and conducting of assemblies which do not comply with the Law on Freedom of Assembly of AR. If the organizer or organizers are natural persons, the violation of 513th article entails imposition of penalty in amount of 1.500-3.000 azn or 200-240 hours of public works or administrative arrest for period up to 2 months. If organizer or organizers are officials, the violation entails the imposition of penalty in amount of 3.000-6.000 azn. Additionally, in case of legal persons, the violation then entails the imposition of penalty in amount of 15.000-30.000. As for participants of unlawful assemblies, the violation entails the imposition of penalty in amount of 300-600 azn, public works of 160-200 hours or administrative arrest for period up to 2 months.

According to 535.1th article of CAO, persistent insubordination of legal request of policeman on protection of public order entails the imposition of penalty in amount of 200 azn or administrative arrest for period up to a month, in case of natural persons.

Criminal Code. The 169.1, 220, 221, 233 and 315th articles of the Criminal Code⁸ define the criminal liability of the organizers and participants of the assemblies.

According to the 169.1th article of CC, the organization, implementation or participation in assemblies, in the cases forbidden by the law, which brought to essential infringement of rights and legitimate interests of citizens, is punished by the penalty in amount of 5000-8000 azn , or restriction of freedom for the term up to two years, or corrective works for the term up to two years, or imprisonment for the same term.

According to the 220th article of CC, the organization of a mass disorders accompanied with violence, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders is punished by the imprisonment for

⁷ <http://www.e-qanun.az/code/24>

⁸ <http://www.e-qanun.az/code/11>

the term from 4 to 12 years. Appeals to active insubordination to legal requirements of representatives of authority and to mass disorders, as well as appeals to violence in the assemblies are also punished by the imprisonment for the term up to 3 years.

According to the 221.1th article of the CC, the persons breaking social order, expressing obvious disrespect for a society, accompanying with application of violence on citizens or threat of its application, as well as destruction or damage of another's property are punished by the penalty at a rate from 1000 to 3000 azn, or corrective works for the term up to one year, or restriction of freedom for the term up to 3 years, or imprisonment for the term from one to four years. According to 221.2.2th article of the CC, if the mentioned acts are committed with resistance to representative of the authority, acting as on protection of social order or other persons, it is punished by corrective works for the term up to two years, or the restriction of freedom for the term up to three years, or the imprisonment for the term from one to four years.

According to the 233th of the CC, the persons organising and participating actively in acts which break social order or are connected to insubordination to legal requirements of the authority representative, or entailing on infringement of normal activity of transport, enterprise, establishment, and organization are punished by the penalty at a rate from 5.000 to 8.000 azn, or corrective work for the term up to two years, or the restriction of freedom for the term up to three years, or the imprisonment for the term up to three years.

According to the 315th of the CC, Application of violence, resistance with application of violence (which is not dangerous to life or health) towards the representative of authority performing official duties are punished by the imprisonment for the term from three to seven years.

Amendments to the legislation. All before mentioned laws have been changed since they were adopted, even the new code of administrative offenses were adopted on December 29, 2015. Some of these changes and amendments have restricted the freedom of assembly further.

Amendments made to “the Law on Freedom of Assembly of AR. By the adoption of the law - “609-IIIQD⁹” two restrictive amendments were made to the given law:

Firstly, submission deadline of written notification has been changed from 5 days to 5 business days.

Secondly, in the previous edition, police could suspend assemblies without prior written notification only if necessary, but now police can suspend all assemblies unless written notification is provided in advance with the exception of fortuitous assemblies.

Amendments made to the befor-mentioned articles of the CAO. While comparing current code with previous code which was adopted on July 11, 2010¹⁰, it is apparent that the penalties have become much stricter. So, according to the former code, violation of rules organizing and conducting assemblies (513th article of the current CAO) was punished by warning or the penalty in amount of 7-13 azn. Moreover, persistent insubordination of legal request of policeman on protection of

⁹ <http://www.e-qanun.az/framework/15014>

¹⁰ https://caa.gov.az/index.php?option=com_k2&view=item&task=download&id=117_88aa97fe7412107f9309f0171243adee&Itemid=173&lang=az

public order (535th article of the current CAO) was punished by the penalty in amount of 20-25 azn, or administrative arrest for the term up to 15 days.

Amendments made to the before-mentioned articles of the CAO. According to amendments made on November 2, 2012 the penalty fine considered for the offences set in the 169.1st (the organization, implementation or participation in assemblies, in the cases forbidden by the law, which brought to essential infringement of rights and legitimate interests of citizens) and 233rd (organisation and active participation in acts which break social order or are connected to insubordination to legal requirements of the authority representative, or entailing on infringement of normal activity of transport, enterprise, establishment, and organization) articles has been increased drastically. As for 169.1st article, while the maximum amount for penalty was 300 azn, now it has been increased and the penalty fine has become from 5000 to 8000 azn. As for 233rd article, the penalty fine, which was ranging between 500 and 1000 azn, has increased in amount of 5000-8000 azn.

3.2. International Legislation

Binding international legislation. Besides all the before mentioned laws, AR has ratified a number of international documents, thereby accepting their jurisdiction. 20th article of the Universal Declaration of Human Rights¹¹ which was adopted on December 10, 1948, by UN, 21st article of International Covenant on Civil and Political Rights¹² which was adopted in 1966, and 11th article of European Convention of Human Rights¹³ protect the freedom of assembly as a fundamental human right.

The Judgements of the European Court of Human Rights against Azerbaijan. ECHR has found the violation of the 11th article in a number of cases. The following ones are key cases:

- 1) Gafgaz Mammadov vs Azerbaijan¹⁴;
- 2) Huseynli and others vs Azerbaijan¹⁵;
- 3) Ibrahimov and others vs Azerbaijan¹⁶.

The court examined the lawfulness of interferences made during the assemblies in the first and third cases. In both cases, the Court concluded that “the authorities failed to act with due tolerance and good faith as regards the applicant’s right to freedom of assembly, did not adduce sufficient and relevant reasons justifying the interference, and imposed a sanction which was disproportionate in the circumstances.

The dispersal of the demonstration and the applicant’s arrest and conviction could not but have the effect of discouraging him from participating in political rallies. Undoubtedly, those measures had a serious potential also to deter other opposition supporters and the public at large from attending demonstrations and, more generally, from participating in open political debate”.

¹¹ <https://www.un.org/en/universal-declaration-human-rights/>

¹² <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹³ https://www.echr.coe.int/Documents/Convention_ENG.pdf

¹⁴ <http://hudoc.echr.coe.int/eng?i=001-157705>

¹⁵ <http://hudoc.echr.coe.int/eng?i=001-160429>

¹⁶ <http://hudoc.echr.coe.int/eng?i=001-160430>

In the second case, The court examined that the administrative arrest of the participants of assembly prior to the event with the grounds of “minor hooliganism” and “persistent insubordination of legal request of policeman” can be considered as the violation of 11th article in the given circumstances. The Court concluded that “The interference in the present cases amounted to the applicants’ being arrested and sentenced to “administrative” detention in order to prevent their participation in the demonstration of 2 April 2011 and to punish them for having participated in opposition protests... Thus, the measures in question were imposed relying on legal provisions which had no connection with the intended purpose of those measures. The Court cannot but agree with the applicants that the interference with their freedom of peaceful assembly on such a legal basis could only be characterised as arbitrary and unlawful.

Those measures had a chilling effect on the individuals concerned and had a serious potential also to deter other opposition supporters and the public at large from attending demonstrations and, more generally, from participating in open political debate.”

Non-binding international standards. A number of organizations operating in the field of Human Rights published several guideline to help the governments to protect the freedom of assembly.

Guidelines on Freedom of Peaceful Assembly Prepared by the OSCE/ODIHR Panel of Experts and Venice Commission¹⁷

“States enact a specific law on freedom of assembly, but any such domestic legislation should confer broadly framed protection on freedom of assembly, and narrowly define those types of assembly for which some degree of regulation may be justified.

In this light, it is vital that any specific law should avoid the creation of an excessively regulatory or bureaucratic system. framework. Those involved in the drafting of legislation should always consult with those most closely involved in its implementation and with other interested individuals and groups (including local human rights organizations).

Which assemblies are protected? All types of peaceful assembly – both static and moving assemblies, as well as those that take place on publicly or privately owned premises or in enclosed structures – deserve protection.

What means “peaceful”. Only peaceful assemblies, as well as peaceful spontaneous (fortuitous) assemblies, are protected. An assembly should be deemed peaceful if its organizers have professed peaceful intentions and the conduct of the assembly is non-violent. The term “peaceful” should be interpreted to include conduct that may annoy or give offence, and even conduct that temporarily hinders, impedes or obstructs the activities of third parties.

Notification procedure. It is not necessary under international human rights law for domestic legislation to require advance notification about an assembly. Indeed, in an open society, many types of assembly do not warrant any form of official regulation. Prior notification should, therefore, only be required where its purpose is to enable the state to put in place necessary

¹⁷ <https://www.osce.org/odihr/73405>; azərbaycanca - <https://www.osce.org/az/baku/89023?download=true>

arrangements to facilitate freedom of assembly and to protect public order, public safety and the rights and freedoms of others. Any such legal provision should require the organizer of an assembly to submit a notice of intent rather than a request for permission.

Spontaneous assemblies. The authorities should always protect and facilitate any spontaneous assembly so long as it is peaceful in nature.

Counter-demonstrations. The right to counter-demonstrate does not extend to inhibiting the right of others to demonstrate. Indeed, demonstrators should respect the rights of others to demonstrate as well. Emphasis should be placed on the state's duty to protect and facilitate each event where counter-demonstrations are organized or occur, and the state should make available adequate policing resources to facilitate such related simultaneous assemblies, to the extent possible, within "sight and sound" of one another.

Concerning restrictions. All restrictions have to comply with the principle of proportionality and necessity. Public assemblies are held to convey a message to a particular target person, group or organization. Therefore, as a general rule, assemblies should be facilitated within "sight and sound" of their target audience. The state should always seek to facilitate and protect public assemblies at the organizers' preferred location and should also ensure that efforts to disseminate information to publicize forthcoming assemblies are not impeded. Assemblies are as legitimate uses of public space as commercial activity or the movement of vehicular and pedestrian traffic. This must be acknowledged when considering the necessity of any restrictions. Restrictions on the visual or audible content of any message should face a high threshold and should only be imposed if there is an imminent threat of violence.

Liability. The organizers should not be liable for the actions of individual participants or for the actions of non-participants or agents provocateurs. If the force used is not authorized by law, or more force was used than necessary in the circumstances, law-enforcement personnel should face civil and/or criminal liability, as well as disciplinary action.

Observers. NGOs and civil society organizations play a crucial watchdog role in any democracy and must, therefore, be permitted to freely observe public assemblies.

Mass media access. Media professionals should be guaranteed as much access as is possible to an assembly and to any related policing operation.

Recommendations on the freedom of assembly by United Nations Special Rapporteurs.¹⁸ The State's obligation to facilitate and protect assemblies includes spontaneous assemblies, simultaneous assemblies and counter-protests. All assemblies should, as far as possible, be facilitated to take place within sight and sound of their target. The Special Rapporteur holds¹⁹ as best practice "laws governing freedom of assembly [that] both avoid blanket time and location prohibitions.

Where a system of prior notification is in place, narrow limits are placed on the discretion of authorities to restrict assemblies. Should the organizers fail to notify the authorities, the assembly

¹⁸ <https://cambodia.ohchr.org/sites/default/files/Promotional-materials-soft/Maia%20Kiai-Checklist-ENG.pdf>

¹⁹ https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf

should not be dissolved automatically and the organizers should not be subject to criminal sanctions, or administrative sanctions resulting in fines or imprisonment. The Special Rapporteur further concurs with the assessment of the ODIHR Panel of Experts that “the free flow of traffic should not automatically take precedence over freedom of peaceful assembly”.

Organizers should not be held responsible for the unlawful behaviour of others. No person should be held criminally, civilly or administratively liable for the mere act of organizing or participating in a peaceful protest. Everyone has the right to observe, monitor and record assemblies.

The use of force by law enforcement officials should be exceptional. Law enforcement officials must be clearly and individually identifiable, for example by displaying a nameplate or number.

The Special Rapporteur is opposed to the practice of “kettling” (or containment) whereby demonstrators are surrounded by law enforcement officials and not allowed to leave.

4. The monitoring of current situation on freedom of assembly

4.1. Interferences in political assemblies

2016

The last 4 months of 2016 were marked by meetings and gatherings during the pre-referendum campaign on constitutional amendments, anti-referendum assemblies.

Prior to the September 26, 2016 referendum, the ruling YAP party held a meeting with voters in closed and open spaces in various parts of the country. There was no interference in the meetings.

As for the opposition assemblies, the National Council of Democratic Forces (NCDF) held a meeting on September 11 and 17, and the Musavat Party held on September 18 to protest the referendum on constitutional amendments. The meetings were agreed with the Baku City Executive Power. The meeting was held at one of the designated venues at the “Mehsul” Stadium. The participants entered the stadium after police inspections.²⁰

RFE / RL's official Facebook page states: “There is a problem with the internet and mobile communication in the rally. Communication on all phones is interrupted”.²¹ APFP members who were coming from Barda to attend the September 11 meeting were detained at 3 pm and were not allowed to leave the area of the district.²²

After the National Council meeting on September 17, some of the young men shouted various slogans on their way to the metro station “Inshaatchilar”. Police used force against participants and forced them into car. More than 40 persons were detained.²³ 12 persons from the detained ones (Toghrul İbrahim, Ruslan Gara, Nuru Nuruzade, Elton Ali, Orxan Cachii, Majnun Piraliev, Araz Samed, Memmed Balemmedov, Deyanet Aliyev, Ulfat Hesengarayev, Kazim İmanov and

²⁰ <https://www.azadliq.info/156364.html>

²¹ <https://www.bbc.com/azeri/azerbaijan-37332690>

²² <https://www.azadliq.info/156364.html>

²³ <https://ok.ru/video/12334007563>

Shamistan Shahverdiyev) were administratively for the term of 8 days and another person was punished by the imposition of penalty of 200 azn.²⁴

APFP Deputy Chairman Gozal Bayramli who is also a member of NCDF told “RFE / RL” that before and after two meetings which were held to protest referendum on September 26 the participants of the meetings were summoned to the police, 185 political activists were detained including 170 members of APFP, 18 persons were arrested administratively for the term from 5 days to 30 days. 3 persons were fined and other 5 persons were warned.²⁵

Journalist from “Meydan TV” – Sevinj Vagifqizi told that her parents were summoned to the police station for their participation in the meeting organized by NCDF.²⁶

Furthermore, APFP Deputy Chairman Gozal Bayramli told “Turan” information agency that 4 persons were dismissed from their job for participating in the meetings held in September: Ilham Guliyev and Yashar Mammadov - the members of APFP Gabala and Oghuz district branches and teachers, Galandar Aslanov – engineer and member of APFP Goranboy and Elnur Ferecov – worker at “AzerYod” LLC.²⁷

On September 18, organizers of the meeting declared that members of Salyan, Neftchala, Absheron and Tartar branch of Musavat Party were detained. Police even detained the father of the chairman of Shirvan branch. During the speech of Osman Kazimov – member of the Party, The electricity went out, so the speakers stopped working.²⁸

2017

Approved assemblies. The NCDF held meetings on April 8, September 23, and October 28, with slogans such as "End to Corruption!", "No to Monarchy!", "Freedom to Political Prisoners!" And "Resign."

Firstly, NCDF requested to hold a meeting on April 9, but with the suggestion of BCEP the date was changed to 8th of April. All meetings were approved by BCEP and held in “Mehsul” stadium.

The participants and placards were searched by police officers,²⁹ minors³⁰ and slogans which were not same with the previously declared ones were not allowed to bring to the meeting location.³¹ The placards which did not contain hate speech and calls for violence were also restricted.³² During meeting, there were interruptions in electricity and at last two meetings, there were problems with the speed of internet. That is why the media have not been able to broadcast live. During a rally on

²⁴ <https://www.azadliq.org/a/28000545.html>

²⁵ <https://www.azadliq.org/a/28021526.html>

²⁶ <https://www.meydan.tv/ru/article/sevinc-vagifqizinin-valideynleri-polise-cagrilib/>

²⁷ <https://www.amerikaninsesi.org/a/sosial/3840452.html>

²⁸ <https://www.bbc.com/azeri/azerbaijan-37401348>

²⁹ <https://www.youtube.com/watch?v=XeMRne5QCe4>

³⁰ <https://www.youtube.com/watch?v=7b6luOqOD6M>

³¹ <https://www.youtube.com/watch?v=6Spw4XHZryo>

³² https://www.youtube.com/watch?v=KeyR_wN-ZzY

October 28, several people in civilian clothes interfered in participants and took some of their placards during a speech by Ali Kerimli.³³

The chairman of APFP told “Meydan TV”³⁴ that authorities change the date of the meeting from 9 to 8th of April, state enterprises organized community work on Saturday, private enterprises were demanded to designate Saturday as working day, universities did not allow the students to participate. On October 7, The chairman of APFP said during the meeting that about 200 activists were summoned to the police station prior to the meeting.³⁵

Nuraddin Mammadli, chairman of the National Council of APFP, told RFE / RL that more than 500 people have been summoned to the police for their active participation in the last three meetings and their involvement in social networks. They were fined, or arrested administratively, or threatened that the measures would be taken against their relatives.³⁶

Deputy chairman of APFP – Gozal Bayramli told “RFE/ RL” told that: “Aflatun Ahmadli, the chairman of APFP Neftchala branch, was pressured. On April 25, he was called to the police station and asked to break away from the party behalf of The Presidential Administration.”³⁷

The member of APFP Gazakh branch – Fezail Aliyev were pressured. Prior to 28 October meeting, police officers came to his house. According to the information given to “RFE/ RL” by him, police said that in case of his participation in meeting, his relatives would be taken to the police station.³⁸ After meeting, the teahouse of his relatives where he worked was closed and his unfinished house was demolished by the claim that the high voltage line is located in the area. Fezail Aliyev said that the first storey had already been finished and all knew this construction.³⁹

Chairman of the Azerbaijan Democratic Party (ADP) Sardar Jalaloglu told RFE / RL that the members of the Board of the Party (Chairman of the ADP press service Nuraddin Ismail, First Deputy Chairman Hasret Rustamov and member of the Board Zakir Huseynov) were called to the police station relating to the assembly. Milli Şuranın sentyabrın 23-də keçirilən aksiyası ilə bağlı polisə çağırılıblar. Hasret Rustemov told “RFE/ RL” that he was questioned about meeting and himself.⁴⁰ Journalist Khadija Ismail and her mother, Former Defense Minister Rahim Gaziyeu and his brother and dozens of others have also been summoned to the police. The journalist told the Turan news agency that police explained that the reason for calling her was “going to the meetings”.⁴¹ Husein Maliki, member of the Democracy and Welfare Movement, was summoned to Sabail District Police Office on 3 October.⁴²

³³ <http://basta2.com/az/2017/10/28/milli-sura-miting-kecirir-yenil%C9%99nir-2/>

³⁴ <https://www.youtube.com/watch?v=-TwjD7XLf6s>

³⁵ <http://toplumtv.org/az/axcp-uzvu-serbest-buraxilib/#.XSjMb-szbtQ>

³⁶ <https://www.azadliq.org/a/28850514.html>

³⁷ <https://www.azadliq.org/a/aksiya-isdən-cixarılma/28452622.html>

³⁸ <https://www.azadliq.org/a/axcp-fezail-eliyev/28846410.html>

³⁹ <https://www.contact.az/ext/news/2017/11/free/Social/az/66676.htm>

⁴⁰ <https://www.azadliq.org/a/28771517.html>

⁴¹ <http://www.turan.az/ext/news/2017/10/free/Social/az/65743.htm>

⁴² <https://d9mc3ts4czbpr.cloudfront.net/ru/article/mitinq-istirakcileri-polise-cagirilir/>

The deputy chairman of APFP – Gozal Bayramli told “Turan” information agency that school teachers Aflatun Ahmadzade, Ulker Ahmadzade, Lachin Askerli, Jalil Imanov and Miragha Musayev were fired from their job after participating in 8 April meeting. But Lakin Aflatun Ahmadzade and Ulker Ahmadzade were restored to work by the decision of court on September 25.⁴³ Also, Ali Abdullayev - Gas Operations Officer, Aydin Isali - Chief Operating Officer at SOCAR, Ilkin Aliyev - locksmith in Azerigaz, Novruz Tagiyev - Neftchi Sports Club Administrator, Elkhan Nuriyev - driver of Azersu, Firdovsi Mammadov - Sama LLC. sales manager, Mohammad Alifov - SOCAR custodian and Samir Hasanov - sales manager at Europe LLC were also fired from their job.⁴⁴ A member of the Aghsu district branch of the APFP, Mirdamet Hasanov, was also fired from the communal services department on October 2. He also pointed the participation in meeting on September 23 as a reason of dismissal.⁴⁵ Eldar Huseynov, a member of the Presidium of the Popular Front Party, was expelled from the Department of Information and Economic Technologies at the State Economic University, while Elmi Usubov fired from the hospital where he worked as a doctor. They also highlighted the same reason. Fuad Taghizade was fired from “Vania Otel”.⁴⁶ A member of the APFP - Mehriban Huseynli told “Meydan TV” that she was fired from the post office № 120 in Zira town of Baku for attending at an October 7 meeting.⁴⁷ Hasrat Rustamov, the deputy chairman of the Azerbaijan Democratic Party (ADP), who worked as a doctor at the Baku Ambulance Station, was also dismissed on October 6. He also showed the same reason.⁴⁸ Actor of the Azerbaijan State Drama Theater Ayshad Mammadov was fired on October 18 for participating in the meeting of the NCDF.⁴⁹

The Musavat Party said the activists were pressured before the October 7 meeting. Ramazan Aliyev, counselor of the Musavat Party was taken to Khachmaz District Police Department. He was questioned in connection with the meeting of the NCDF. According to him, he was said in the police station that the participation of the citizens of Khachmaz in NCDF meetings was not wanted.⁵⁰

The chairman of the Musavat Party's Mingachevir branch, Nuraddin Rustamli, was also summoned to the city police office and questioned in connection with the meeting.⁵¹

According to the press of APFP⁵², prior to 23 September meeting, 4 APFP members were fined on the charge of minor hooliganism (510th article): Jabbar Savalanli, Mehdi Naghiyev, Elnur Hasanov and Khatai Nabiyeu - 51 azn, Khalgi Huseyn - 100 azn. 3 APFP members (Yalchin Abdullayev, Ayaz Maharramli and Elshan Abdullayev) were fined in amount of 200 azn on the charge of persistent insubordination of legal request of policeman on protection of public order - 535.1th article of CAO. APFP member Elman Memmedov were detained while distributing brochures for

⁴³ <https://www.azadliq.org/a/mitinq-muxalifet-ishden-qovulanlar/28790293.html>

⁴⁴ <https://www.amerikaninsesi.org/a/sosial/3840452.html>

⁴⁵ <https://d9mc3ts4czbpr.cloudfront.net/ru/article/mitinqe-qatilan-fehle-isden-cixarilib/>

⁴⁶ <http://ilkxeber.info/gundem/8493-mitinqe-gore-polise-chagirilan-ve-hebs-edilen-axcp-feallarinin-syahs.html>

⁴⁷ <https://d9mc3ts4czbpr.cloudfront.net/ru/article/poctalyon-mitinqde-istirakina-gore-isden-cixarildigini-deyir/>

⁴⁸ <http://www.contact.az/ext/news/2017/10/free/Social/az/65851.htm>

⁴⁹ <https://www.amerikaninsesi.org/a/ayshad-memmedov/4076164.html>

⁵⁰ <http://basta2.com/az/2017/10/07/musavat-basqaninin-musaviri-polis%C9%99-aporilib/>

⁵¹ <https://www.azadliq.org/a/milli-shura-mitinq-baki/28779263.html>

⁵² <http://ilkxeber.info/gundem/8493-mitinqe-gore-polise-chagirilan-ve-hebs-edilen-axcp-feallarinin-syahs.html>

promotion of meeting and were fined in amount of 100 azn. After 23 September meeting, APFP members – Elnur Jabbarli were fined in amount of 200 azn.

Prior to 23 September meeting, 6 APFP members (İlham Huseyn, Sagif Gurbanov, Bahruz Hasanli, Agil Maharramov, Emil Salimov and Etibar Mammadli who was distributing leaflets) were arrested administratively for 15 days on the charge of persistent insubordination of legal request of policeman on protection of public order - 535.1th article of CAO and Emin Maniyev and Nijat Nizamov were arrested for 10 days on the same charge on meeting day. Moreover, 6 persons were arrested administratively prior to 7 October meeting: Ramid Naghiyev 25, Yalchin Abdullayev 25, Ruslan Nasirli 25, Maharram Rzayev 25 and Fuzuli Huseynov 30 days). Lawyer Asabali Mustafayev said that charges were bogus.⁵³ On October 9 and 10, APFP members – Aliagha Abdullayev and Eldeniz Samadov were administratively arrested for 15 and 10 days respectively. Lawyer Yalchin Imanov told “RFE/ RL” that the reason of arrests was to punish the APFP members for participating in NCDF meeting on October 7.⁵⁴ YAP member Oruj Mammadov was arrested administratively for 10 days. His son – Tofiq Mammadov, APFP member, told “Meydan TV” that the reason for his father’s arrest was that he participated in NCDF meetings and distributed leaflets for promoting the meeting.⁵⁵ Aziz Gahramanov, who displayed the placards with the slogan of “Ramil Usubov, stop taking revenge of a brother on another brother”, was administratively arrested for 20 days.⁵⁶ Religious believer Ravan Ismail, a supporter of the imprisoned chairman of the Muslim Union, Taleh Baghirzade, was sentenced to 30 days as administrative arrest on the charge of "persistent insubordination of legal request of policeman on protection of public order. His advocate Yalchin Imanov told “Meydan Tv” that he was questioned about the reason of participation in NCDF meetings and supporting Taleh Baghirzade.⁵⁷ Lawyer Yalchin Imanov has also informed the “Meydan TV” of the arrest of another member of the Muslim Union Movement, Ahsan Nuruzadeh, and said that those arrests, which happened in the period of NCDF meetings, were an indication of his arrest for his public and political activities.⁵⁸

Unsanctioned assemblies. The Musavat Party requested BCEP to hold a picket on October 30. Before that BCEP rejected their request to hold a meeting on October 21. "Generally, meetings within a 200-meter radius around the administrative buildings of the district and city executive bodies of the Republic of Azerbaijan are restricted," the executive said in a negative response. Then The Musavat Party requested to hold a picket on November 3. The authorities refused to allow the picket because of the increase in traffic in Baku, possibly the action would impede traffic and pedestrians.

Despite the reject, 40-50 activists of Musavat Party gather in front of BCEP and held a picket on November 3.⁵⁹ Despite the fact that there was no interference during the picket, after picket the

⁵³ <http://toplumtv.org/az/vekil-saxlanilan-feallarla-grusub/#.XSbIrszbtQ>

⁵⁴ <https://www.azadliq.org/a/28790122.html>

⁵⁵ <https://d9mc3ts4czbpr.cloudfront.net/ru/article/axcp-uzvunun-atasi-inzibati-ceza-alib/?ref=article-related-artciles>

⁵⁶ <https://basta2.com/az/2017/11/03/mitinqind%C9%99-usubova-qarsi-plakat-qaldiran-musavatciya-20-sutka-h%C9%99bs-c%C9%99zasi-verildi/>

⁵⁷ <https://www.meydan.tv/ru/article/daha-bir-dindar-hebs-edilib/>

⁵⁸ https://www.youtube.com/watch?v=qX5rol_qYtk

⁵⁹ <https://basta2.com/az/2017/11/03/musavaticilar-saxlanildi-siyahi/>

placards were seized and 9 peaceful participants (Sakhavat Soltanli, Mustafa Hajibayli, Abulfaz Sadigbayli, Zeynal Zeynalli, Vidadi Zamanov, Elman Fattah, Aziz Mamiyev, Rahim Yagublu, Tofiq Yagublu) were detained.⁶⁰ Moreover, police interfered in journalists' activities.

After the Musavat party's decision to hold a picket, police came to the headquarter of Musavat Party and questioned everyone in the headquarter. Deputy Chief of MPDBC – Sahlab Baghirov told “APA” that any unsanctioned assembly could not take place.

Seymar Namazov, who was working for a dance troupe at the Musical Comedy Theatre, says he was fired after attending a picket outside the BCEP on November 3.⁶¹

On July 24, a group of APFP members held a picket in front of the Ministry of Justice with the slogan "Give medicine to Gozal Bayramli!", "Freedom to Political Prisoners," and "End Torture!" to protest aggravation of health conditions of Gozal Bayramli.⁶² Police interfered in the assembly and seized the placards, also prevented the recording of the assembly. Police used force against participants and detained 7 persons who were released later.⁶³

On August 9, a group of religious believers tried to hold a picket in front of The Penitentiary Service after the allegations of torture of Abbas Huseynov (Abbas Huseynov was arrested in Nardaran incidents and he talked to his lawyer about being tortured). But police officers closed the roads leading to the Penitentiary Service, that is why the picket was not held.⁶⁴

Before that The members of the organization of “Muslim Union” gathered in front of Closed Gobustan Prison after the allegation of torture of Taleh Baghirzade and Taleh Baghirzade, Abbas Huseynov and Jabbar Jabbarov being relocated to solitary confinement cells.⁶⁵

A group of young people announced to hold an assembly with the slogan of “Freedom to Political Prisoners!”. After the announcement, Ruslan Gara, the member of APFP Sumgait branch were arrested administratively for 20 days on the charge of persistent insubordination of legal request of policeman on protection of public order on August 11. On August 17, The leader of Democratic Youth Organization – Ismayil Ismayiloghlu, The leader of Free Azerbaijan Organization - Aghashirin Tarverdioghlu and young activist Deyaney Babayev were summoned to the MPDBC. They were warned about that in case of an assembly they would be arrested. Ismayil Ismayiloghlu told “RFE/ RL” that his father was taken to the Shirvan City Police Department to guarantee that he would come to MPDBC.⁶⁶

2018

⁶⁰ https://www.youtube.com/watch?v=C_anZyZ6SCw

⁶¹ <https://www.azadliq.org/a/musavat-piket/28835915.html>

⁶² <https://www.azadliq.org/a/28637659.html>

⁶³ https://www.youtube.com/watch?v=WBCd7mRB4_8

⁶⁴ https://www.youtube.com/watch?v=F_FcLnsGT2Y

⁶⁵ <https://basta2.com/az/2017/08/06/tale-bagirzad%C9%99-t%C9%99r%C9%99fdarlari-c%C9%99zac%C9%99km%C9%99-mu%C9%99ssis%C9%99sinin-onund%C9%99-etiraz-etdil%C9%99r-video/>

⁶⁶ <https://www.azadliq.org/a/28681973.html>

Approved assemblies. In 2018, early presidential elections were held in Azerbaijan. To this end, the ruling YAP party held meetings and gatherings in open and closed spaces as part of a campaign in more than 60 districts and cities. There was no information available on the required notification process for the meetings. Meetings ended without interference.

As for opposition, NCDF and Musavat Party held joint assemblies this year: a meeting with the slogan of “Freedom to political prisoners!” and other demands on March 10, a meeting for protesting to hold early presidential election on March 11 and a meeting for protesting the results of the election on April 14.

Journalists could not broadcast live during the March 10 meeting because of frequent interruptions on the internet. According to the information given to “RFE/ RL” by APFP, a number of activists were threatened prior to the meeting.⁶⁷

Musavat Party leadership has announced that more than 20 activists and the head of the party's executive apparatus Gulagha Aslanli have been summoned to the police.⁶⁸ Abulfaz Gurbanli from the NIDA Civic Movement also said that about 20 members of the movement were called to the police station, and warned about not to attend the meeting.⁶⁹

Six members of the APFP were arrested administratively on charges of persistent insubordination of legal request of policeman on protection of public order. (Agil Maharramli, Tahir Aghayev, Yalchin Abdullayev and Hikmat Aliyev - 15 days, Faig Naghiyev and Bashir Tarverdiyev - 20 days).

Lawyer Asabeli Mustafayev told “RFE/ RL” that these arrests were meant to prevent their participation in the meeting.⁷⁰

In the area where the March 31 meeting was held, there were frequent interruptions to the internet connection, so there was a problem with the live broadcast.⁷¹ During the meeting, drone flew over the participants' head.⁷²

Ali Karimli said that "there was little interference with the meeting because OSCE representatives observed it," but that dozens of activists were summoned to the police, and that three APFP activists were administratively arrested on the charge of persistent insubordination of legal request of policeman on protection of public order. (Abdulla Mahmudov 30 days, Ayaz Gasimov 15 days, Orkhan Bakhishkli 30 days).⁷³ Lawyer Asabeli Mustafayev told “Meydan TV” that Ayaz Gasimov was detained while distributing leaflets promoting the meeting.⁷⁴

⁶⁷ <https://www.azadliq.org/a/mitinq-saxlananlar/29091249.html>

⁶⁸ <https://www.amerikaninsesi.org/a/siyasi/4283933.html>

⁶⁹ <https://basta2.com/az/2018/03/12/axcp-nin-6-f%C9%99alina-inzibati-h%C9%99bs-c%C9%99zasi-verilib/>

⁷⁰ <https://www.azadliq.org/a/29097985.html>

⁷¹ <https://www.azadliq.org/a/mitinq-milli-shura-baki/29136988.html>

⁷² <https://www.azadliq.org/a/milli-shura-mitinq-baki-fotolar/29137223.html>

⁷³ <https://www.amerikaninsesi.org/a/hebs/4325588.html>

⁷⁴ <https://d9mc3ts4czbpr.cloudfront.net/ru/article/axcp-uzvlerin-mitinqe-gore-hebs-edildi-yi-deyilir/>

Prior to 14 April meeting, six of the organizers were detained (Sagif Gurbanov, Vidadi Guliyev, Ismayil Hasanov, Baba Suleymanov, Ali İmanxanlı and Ruslan Nasirli) and arrested administratively on the charge of persistent insubordination of legal request of policeman on protection of public order.

Irada Nariman told “RFE/ RL”⁷⁵ that: “7 members of APFP Shakhi branch were stopped on their way by the police. They were brought to Absheron District Polis Station in Khirdalan and taken back to Shakhi shortly before the end of the meeting.

On September 29 KLO and other political-social figures organized a meeting with the slogan of “Freedom to Karabakh!” in “Mehsul” stadium.⁷⁶

Unsanctioned assemblies. On March 10, a group of young activists of the Future Azerbaijan Party tried to hold an assembly with the slogan of “fair elections” in Baku's Fountain Square to protest the six months ahead of the presidential election and increase the presidential term from 5 to 7 years. The party's chairman Agasif Shakiroglu told Voice of America that eight activists were summoned to the police, warned and released, while activists Zaman Mirzamammadov was fined 100 manat on charges of hooliganism by Narimanov District Court.⁷⁷

On August 21, a small group of APFP activists held a picket in front of the Elmler Academy Metro Station to protest restriction of imprisoned APFPs members right to meet their families and to talk on the phone. Four participants were detained and one of them was then released. The rest of them – 3 participants were accused with the charge of persistent insubordination of legal request of policeman on protection of public order – 535.1th article of CAO: Ramin Ahmadov was arrested administratively for 15 days and Bashir Tanriverdiyev for 10 days, while Nijat Abdullazade was punished by the imposition of the penalty in amount of 200 azn. N.Abdullazade told “RFE/ RL” told that their assembly was peaceful and they came to police station without any resistance.⁷⁸

2019

Approved sanctions. NCDF held a meeting to support Mehman Huseynov (He was accused with the charge of the slander, which is connected with accusation of committing serious or especially serious crime and arrested for two years, two months prior to his release he faced with new charge - causing injury to a prison employee.) and other political prisoners on January 19. Some of the placards were restricted, the placards with the photos of political prisoners and the slogans of “Freedom to political prisoners!” were not allowed to bring into the stadium.⁷⁹

In a public statement after the meeting, BCEP reported that there were no serious violations of public order and law.⁸⁰ However, On January 21, The chief of MPDBC – police major-general

⁷⁵ <https://www.azadliq.org/a/milli-shura-miting-din-yalan/29168454.html>

⁷⁶ <https://www.amerikaninsesi.org/a/siyaset/4592507.html>

⁷⁷ <https://www.amerikaninsesi.org/a/siyaset/4321971.html>

⁷⁸ <https://www.azadliq.org/a/29444907.html>

⁷⁹ https://www.youtube.com/watch?v=UmBHtd_Yi0c

⁸⁰ <https://mia.gov.az/index.php?preview/az/news/view/1265/>

Mirgafar Seyidov told “Report.az”:⁸¹ “At the last meeting, they revealed their true intentions and tried to disrupt public order in the capital and to cause trouble. Undoubtedly, such illegal actions were prevented by us. Therefore, I will file a petition before the BCEP for not allowing them to hold any meeting until they can manage the masses”.

On January 22, the organizers were summoned to the MPDBC. According to Ilham Huseyn, a member of the APFP Presidium, the chief of MPDBC said that there were illegal acts, discontent among entrepreneurs and some residents on January 29.⁸²

Penalties. Prior the meeting, according to the information given to “RFE/ RL” by APFP, The activists of Salyan branch were pressured on January 17⁸³. 13 APFP members were administratively arrested⁸⁴: Farid Asadov - 10 days, Ramzi Shikhaliyev - 15 days, Kamran Amirov - 17 days, 4 persons (Emil Salimov, Nijat Abdullayev, Nijat Nizamov, Sagif Gurbanov) - 20 days, 3 nəfər (Elshan (Beyleroghlu) Tahmazov, Ruslan Amirov, Ramid Naghiyev) - 23 days, 3 persons (Pasha Umudov, Bakhtiyar Imanov, Namig Abbasaliyev) - 30 days.

On January 18, Musavat Party told “RFE/ RL” that their members were pressured prior to the meeting.⁸⁵ Namig Niftiyev from Narimanov branch and Nazim Azayoghlu from Gubadli branch were summoned to the police station, Valeh Hummetoghlu from Salyan branch, Yusif Taghiyev from Shirvan branch and Imran Isayev from Gabala branch were warned and Elman Guliyev from Musavat Party Youth Committee.⁸⁶ On January 23, The member of Musavat Party and former prisoner Elvin Abdullayev were administratively arrested for 25 days on the charge of persistent insubordination of legal request of policeman on protection of public order – 535.1th article of CAO.⁸⁷

The participants of the meeting were summoned to the police station. APFP member – Shakir Mammadov told “RFE/ RL that police took him from his house without written official summons and in the police station he saw about 20 APFP member and other independent political activists, police asked him where he was on January 19. Member of Council of Musavat Party – Alya Yagublu told “RFE/ RL” that she and other members of party were called to the police station, even some of them were taken from their house and in the police station they were questioned about their participation in meetings and were threatened. Member of the Musavat Party – Nigar Hazi wrote on her Facebook page that police called her and said that her phone which she claimed to use for 10 years was related to robbery incident.⁸⁸

The head of the press service of the Musavat Party, the editor of bastainfo.az, Mustafa Hajibeyli, told RFE / RL that he was called to the Binagadi Employment Center and asked if he was

⁸¹ <https://report.az/hadise/mirgafar-seyidov-milli-suranim-mitingine-icaze-verilmemesi-ile-bagli-baki-seher-i-cra-hakimiyeti-qarsisinda-vesatet-qaldiracagam/>

⁸² <https://www.azadliq.org/a/polis-mitingcileri-cagirir/29724530.html>

⁸³ <https://www.azadliq.org/a/saatli-xalq-cebhisi-polis/29715813.html>

⁸⁴ <https://www.azadliq.org/a/axcp-nin-4-uzvunden-xeber-yoxdur/29720137.html>

⁸⁵ <https://www.azadliq.org/a/feallar-polise-cagirilir/29717723.html>

⁸⁶ <https://www.azadliq.org/a/axcp-nin-4-uzvunden-xeber-yoxdur/29720137.html>

⁸⁷ <https://www.amerikaninsesi.org/a/m%C3%BCsavat-f%C9%99a%C4%B1na-25-sutka-inzibati-h%C9%99bs-c%C9%99zas%C4%B1-4755275.html>

⁸⁸ https://m.facebook.com/story.php?story_fbid=932770526921547&id=100005658253894

employed and participated in the January 19 meeting.⁸⁹ M. Hajibeyli added that such calls were made to other participants of the meeting. The member of APFP Beylagan branch – Seymur Hasanov wrote on his Facebook page that he was offered job by The Employment Center.⁹⁰

“Kriminal Press” information agency wrote on official Facebook page that some 70 opposition supporters were taken to the police station while coming from Salyan to Baku, they were threatened and the participants living in Baku and Sumgait were called to police stations.⁹¹

“Voice of Aericia” news agency asked on official Facebook page that “Have you received calls related to the participation in meeting?”. In comments, dozens of people wrote about their experience of calls from police station about their participation in 19 January meeting.⁹²

Unsanctioned assemblies. On January 3, a group of political and social activists tried to hold a picket in the proximity of “Neftchiler” metro station with the slogans of “Freedom to Mehman Huseynov!” and “Freedom to political prisoners”. Police officers interfered in the assembly, sized the placards of the participants, hindered recording of journalists and detained some of participants.⁹³

Journalist Sevinj Vagifqizi told to “RFE/ RL” that police acted rudely toward the participants and journalists⁹⁴: “Police officers twisted 54-year-old Elmikhan Agayev’s arm, and he could not move it. Gulnara's shirt was torn. When Parvina was caught, she hit her head and fell unconscious twice in the police station. Sakhavat Nabiyeu and Fatima Movlamli were beaten and insulted in a police car”⁹⁵. Detainees were accused on the charge of violation of rules organizing and conducting assemblies (513.2nd article of CAO.) Four of them (Sevinj Vagifgizi, Gulnara Akifgizi, Yegana Aliyeva, Dilara Miriyeva) were released after oral warning, three of them (Parvin Abushova, Matanat Mahmirzayeva and Fatima Movlamli) were fined in amount of 300 azn and two of them (Sakhavat Nabiyeu and Elimkhan Aghayev) were administratively arrested for 20-21 days.⁹⁶

On January 6, a group of young people assembled in front of the Court of Appeal to support journalist – blogger Mehman Huseynov. Police tried to prevent the assembly. The plainclothes also interfered in, detained Mete Turksoy and some 10 people and forced them into cars. Leyli Gafarove - the spouse of Ilkin Huseynov – one of the detained participants told “Meydan TV” that “The assembly did not even start, police detained the participants while they were standing in non-assembly location.”⁹⁷ They were charged with violation of rules organizing and conducting assemblies (513.1 and 513.2nd articles of CAO), three of them were arrested administratively for 20-25 days (Mete Turksoy, Goshgar Ahmadova and Ismail Islamoghlu), and 4 other persons were

⁸⁹ <https://www.azadliq.org/a/mitinqe-gedenlere-ish-teklifleri-olunur/29748700.html>

⁹⁰ https://m.facebook.com/story.php?story_fbid=387623555117753&id=100016103356089

⁹¹ https://m.facebook.com/story.php?story_fbid=957588031105048&id=351395268390997

⁹² https://m.facebook.com/story.php?story_fbid=2732626090095925&id=286379721387253

⁹³ <http://www.turan.az/ext/news/2019/1/free/Social/az/77779.htm>

⁹⁴ <https://www.azadliq.org/a/mehmana-azadl%C4%B1q-y%C3%BCr%C3%BC%C5%9F%C3%BCn%C9%99-g%C3%B6r%C9%99-h%C9%99bs-cazas%C4%B1-alanlar-var/29691056.html>

⁹⁵ https://m.facebook.com/story.php?story_fbid=10215800020347710&id=1660506032

⁹⁶ <https://mikroskopmedia.com/2019/01/04/mehman-huseynova-d%C9%99st%C9%99k-aksiyasinda-saxlanilanlara-sutkaliq-h%C9%99bsl%C9%99r-verilib/>

⁹⁷ <https://www.youtube.com/watch?v=0m2uuLmAqPI>

fined (Bakhtiyar Mamadov, Orkhan Mammadov and Elchin Rahimzade – 400 azn, Yashar Khaspoladov – 450 azn).⁹⁸

On January 11, 5 persons from APFP Salyan branch were detained after the assembly held to support journalist blogger Mehman Huseynov. Alizamin Salayev were administratively arrested for 25 days and Tariyel Malikzade for 20 days.⁹⁹ Additionally, Shahin Maharramli were fined in amount of 200 azn and Alizade Kazimov in amount of 60 azn.¹⁰⁰

Despite the fact that BCEP did not allow the meeting of NCDF on January 26, a group of people gather in “Mehsul” stadium. Police interfered in peaceful citizens and forcibly detained them.¹⁰¹ According to the information given by “RFE/ RL”, 10 persons were administratively arrested and 5 persons were released after warning.¹⁰²

On March 19, a group of 50 activists tried to gather in Fountain Square.¹⁰³ It was planned that authorities would be protested on various issues. Some 10 persons were detained.¹⁰⁴

On April 11, a small group of young activists gathered to protest the allegations of torture of activist Bayram Mammadov (He wrote “Happy Slaves Day” on the monument of former president – Heydar Aliyev and arrested on the charge of illegal circulation of narcotics and then released by Presidential pardon decree).¹⁰⁵ After a few minutes police interfered in peaceful participants, seized their placards and detained 3 of them (Fatima Movlamli, Gulnara Rahimova and Amid Hasanov). While taken to the police car, Fatima Movlamli continued to shout slogans and one of the plainclothes closed her mouth by his hand.¹⁰⁶

4.2. Interferences in the social assemblies

Most of social assemblies were held without prior notification.

2016

On October 15, A group of citizens protested the activities of the chief of traffic police. After the assembly, the citizen of the district – Chingiz Mailov were detained for the term of 20 days on the charge of violation of rules organizing and conducting assemblies – 513th article of CAO. His son – Sadiq Mailov told “RFE / RL” that “his father was not the participant of assembly, their business enterprise was just near the location of assembly, so they turned into participants unintentionally.

⁹⁸ <http://www.contact.az/ext/news/2019/1/free/Social/az/77853.htm>

⁹⁹ <https://www.azadliq.org/a/salyanda-cebhechiler-hebs-edildi-29705814.html>

¹⁰⁰ <https://www.amerikaninsesi.org/a/salyanda-blogger%C9%99-azadli%C4%B1q-t%C9%99l%C9%99b-edilb-4739984.html>

¹⁰¹ <https://www.facebook.com/MeydanTelevision/videos/498038410723401/>

¹⁰² <https://www.azadliq.org/a/yurush-kechirmek-isteyen-10-nefer-saxlanilib/29733610.html>

¹⁰³ https://www.youtube.com/watch?v=BV3JR_WyUbl

¹⁰⁴ <https://www.azadliq.org/a/f%C9%99vvar%C9%99l%C9%99r-meydan%C4%B1nda-saxlananlar-olub/29829778.html>

¹⁰⁵ <https://www.youtube.com/watch?v=xdRgBFYpPNg>

¹⁰⁶ <https://www.azadliq.org/a/bayram-m%C9%99mm%C9%99dova-g%C3%B6r%C9%99-aksiyada-saxlananlar-var/29874793.html>

The charges against his father are bogus.”¹⁰⁷ One of the participants told that the reason behind his arrest was recording the assembly and sharing it with news websites.¹⁰⁸

On December 22, the frequent stops in electricity in the settlements where the Jabrayil IDPs resided in Bilasuvar caused protests.¹⁰⁹ According to the Press of Ministry of Internal Affairs, 9 police officer on duty were injured by stones and wood and windows of a police car were broken down.¹¹⁰ The lawyer of some detainees – Elchin Sadigov told “Voice of America” that 10 persons were detained related to this issue and his clients (2 persons – Jalal Guliyev and Zaur Feyruzlu) were detained on the charges of deliberate destruction or damage of property (186.2th article of CC), organization of actions promoting infringement of a social order or active participation in such actions (233th article of CC) and resistance or application of violence concerning the representative of authority (315th article of CC).¹¹¹ 3 persons who actively participated in the protests - Gulagha Alimammadov, Jalal Guliyev and Ilkin Isgandarov were remanded on detention for the term of 3 months. They were detained on the same charges – 186.2, 233 and 315.2 articles of CC. Ulvi Guliyev was also remanded on detention for the same term, his father – Muhammed Guliyev said that the behaviours of police officers caused this argument, the police officers acted rudely and spoke indecent words against citizens. Concerning the stoning the building of REP and a police car, Muhammed Guliyev told that “on a typical day, there would not be even a stone, but on December 22, there was a truck of little stones. Furthermore, the stoned car were not a police car, it was a typical car which was driven towards the citizens.”¹¹²

2017

On April 12, citizens of “Sovetsky” protested and prevented the destruction of “Haji Javad” mosque which was built in the early years of the previous century. Citizens told “Meydan TV” that 7 persons were detained and then released.¹¹³

On August 10, a group of citizens of Yasamal district protested chopping down trees. Three of the protesters were detained.¹¹⁴

On September 20, a group of citizens protested the destruction of village school in Masalli district. Police interfered in protest and detained some of the protesters. One of the participants told “Meydan TV” that police officers had injured them.¹¹⁵

2018

On June 29, the police used force to disperse the citizens of Sumgait city who were protesting the construction.¹¹⁶

¹⁰⁷ <https://www.azadliq.org/a/goycay-aksiya-yol-polisi/28060669.html>

¹⁰⁸ <https://www.azadliq.org/a/goycay-aksiya-yol-polisi/28060669.html>

¹⁰⁹ <https://www.amerikaninsesi.org/a/sosial/3648055.html>

¹¹⁰ <https://www.mia.gov.az/index.php/?az/news/view/1045/>

¹¹¹ <https://www.amerikaninsesi.org/a/sosial/3653756.html>

¹¹² <https://www.amerikaninsesi.org/a/etiraz/3656754.html>

¹¹³ <https://www.youtube.com/watch?v=pqYtUxpMUxs>

¹¹⁴ <https://www.youtube.com/watch?v=Xx4zk1HnSO4>

¹¹⁵ <https://www.youtube.com/watch?v=mCN03o19Nak>

On July 2, The head of Ganja City Executive Power – Elmar Valiyev and a police officer was shot by Yunis Safarov. According to the joint information given by Prosecutor’s General Office, Ministry of Internal Affairs and State Security Service, this accident was considered as “terror act” and purpose of terror act was “to create an Islamic state governed by Shari’a law in Azerbaijan, to do so by killing several well-known public officials, creating agiotage, chaos, and panic in the republic, and eventually the violent seizure of power”.¹¹⁷ According to the information given by the state bodies, on July 10, a radical religious group of 150-200 persons assembled in front of The Ganja City Executive Power and protests began. During protests, two high-level police officers – Ilgar Balakishiyev and Samed Abbasov were killed. According to “Turan” information agency, the assembly held on 10th of July through social media was related to the accident happened on 3rd of July – the shooting of the head of executive power – Elmar Valiyev. According to the participants, the reason of shooting was arbitrary behaviour of the Head of Executive Power.¹¹⁸ According to the video recording, police used excessive force against the citizen.¹¹⁹ Generally, more than 70 people were detained related to these protests. According to the Prosecutor General’s Office, cases of 6 group (51 persons) were sent to the court. Most of the were accused on the charges of the organization of violence, arsons and destruction of property, application of fire-arms, explosives and also rendering of armed resistance to representative of authority, or participation in such disorders. Judged ones were arrested for the term from 5 years to 9 years.¹²⁰ Furthermore, 5 persons were killed during search operations.¹²¹ According to the information given to the “Voice of America” by Prosecutor General’s Office, The Office launched criminal proceedings against “gununesi.info” and “teref.info” for distributing fake information about Ganja incidents. The Prosecutor General’s Office also requested the Ministry of Transport, Communications and High Technologies to restrict these websites’ access to internet information resource and to take other restrictive measures toward these websites. After this request, the access to these websites was blocked.¹²²

Family members of some of the servicemen killed for the sake of territorial integrity of Azerbaijan have held several assemblies this year for failing to receive lump sum allowances of 11,000 manat. On October 16, the police dispersed their assembly in front of Milli Majlis – The Parliament.¹²³ On October 23, police interfered with the people who wanted to rally to the Presidential Administration.¹²⁴ On November 6, police again interfered in people who wanted to rally from “Sahil” metro station to the Presidential Administration. Police did not allow them to shout slogans, act collectively and display placards.¹²⁵ On December 11, one of the family members – T. Gocayev who was detained in front of the Presidential Administration were administratively arrested for 30

¹¹⁶ https://www.youtube.com/watch?v=wl4a5JUO_2E

¹¹⁷ <http://www.dtx.gov.az/news242.php>

¹¹⁸ <https://www.bbc.com/azeri/azerbaijan-44812094>

¹¹⁹ https://www.youtube.com/watch?v=87Ue_GGBLqA

¹²⁰ <https://www.azadliq.org/a/ba%C5%9F-prokurorluq-i%C5%9Fg%C9%99nc%C9%99-%C5%9Fikay%C9%99tl%C9%99rini-%C9%99sas%C4%B1z-say%C4%B1b/29999181.html>

¹²¹ <https://www.azadliq.org/a/29435021.html>

¹²² <https://www.amerikaninsesi.org/a/hebs/4482586.html>

¹²³ <https://www.youtube.com/watch?v=1hOg8y0rjYc>

¹²⁴ <https://www.youtube.com/watch?v=8NyT4veKOXI>

¹²⁵ <https://www.youtube.com/watch?v=-7ffaW8BVno>

days on the charge of persistent insubordination of legal request of policeman on protection of public order, then his penalty was shortened to 15 days.¹²⁶

4.3. Interferences in different assemblies

2017

On February 2, a group of people held a picket in front of the Headquarter of Musavat Party. Organizers of the picket were not stated. The participants criticized The Party and criticized and swore The Chairman of the Center for National Strategic Thought – Isa Gambar. Participants shouted slogans, such as “Shame on Musavat!”, “Live Long Heydar Aliyev!”, “Live Long Ilham Aliyev!”. Police did not interfere in assembly or the participants.¹²⁷

On June 22, the Chairman of “Invitation to Enlightenment” Public Union – Elchin Manafov were detained after the assembly held in front of the embassy of Israel on the occasion of Jerusalem Day.¹²⁸ It should be noted that their assembly in front of the USA embassy ended up without any interference.

2018

On June 8 – last Friday of Ramadan, police interfered and prevented the assembly held in front of the embassy of Israel on the occasion of Jerusalem Day and solidarity with Palestinians. One of the organizers of the picket, leader of the Islamic Movement for Karabakh, Rovshan Ahmedli told “Voice of America” that he was detained before leaving his home. He was taken to the 7th police station of Binagadi District and then released. In the police station, he was explained that unsanctioned picket was unacceptable. He told that about 15 participants were detained.¹²⁹

2019

On March 24, a group of activists in the Fountain Square in central Baku tried to promote rules for protecting from tuberculosis among the citizens. Participants approached the citizens with the placards, such as “Let's say no to TB!” and “The future will come without tuberculosis!” and distributed leaflets. According to the information given to “Turan.az” from the participants, that police did not allow the action to continue until shortly after the start. Police told them that any unsanctioned assembly was not allowed.¹³⁰

On April 13, after the suicide of the 14 years-old, 8th-grade student of 162nd school – Elina Hajiyeva a group of young people gathered in front of the school to commemorate the young girl who took her life at the school. Police and plainclothes interfered in the youth who were standing

¹²⁶ <https://www.youtube.com/watch?v=owbCNhu0eqc>

¹²⁷ <https://www.amerikaninnesi.org/a/aksiya/3703237.html>

¹²⁸ <https://xeberman.com/news/gundem/16203-maarifciliye-devet-ctimai-birliyinin-sedri-elcin-manafov-polis-terefinden-saxlanilib.html>

¹²⁹ <https://www.amerikaninnesi.org/a/siyaset/4430227.html>

¹³⁰ <https://www.turan.az/ext/news/2019/3/free/Social/az/79672.htm>

peacefully without shouting any slogans. Police surrounded young people and began to push them toward bus station. Participants told that one of the plainclothes were recording them.¹³¹

On April 22, a group of animal lovers gathered in front of BCEP to protest the mass murder of stray dogs. Two persons (Elkhan Mirzeyev and Nijat Ismayilov) who raised the placards with slogans “Stop genocide”.¹³²

4.4. Interferences in assemblies on occasion of holidays and special days

2016

On October 3, The street procession on the occasion of Ashura was not allowed in the city of Lankaran. The chair of Caucasian Muslims Office - Shaykh al-Islām Allahshukur Pashazade said to “Report.az” that he does not consider holding street processions relating to Ashura ceremonies appropriate.¹³³

2017

On May 28, proposition parties and other movements were holding holiday ceremony in front of the monument of Mammad Amin Rasulzade – Founder of Azerbaijan Democratic Republic in 1918. At the holiday ceremony, interruptions in electricity occurred during the speech of Former Chairman of Musavat Party – Isa Gambar, The Chairman of APFP – Ali Karimli, The board member of ReAL – Khalid Baghirov.¹³⁴

2018

On May 28, a number of public organizations and parties wishing to visit the "Independence Monument" on the occasion of the 100th anniversary of the People's Republic of Azerbaijan faced with problems. The police explain the prohibition of the mass street procession not to impede street traffic. According to the correspondent of “RFE / RL”, the monument was surrounded by police officers. Police did not allow mass visit of monument, groups containing 3-5 persons were allowed to visit. The correspondent reported that police officers also interfered in recording of the assembly by the journalists. After the visit of the monument, mass walking towards Baku Boulevard and displaying the placards of political figures of Azerbaijan Democratic Republic were prohibited.¹³⁵ Organizers tried to negotiate with the police, but the failed and participants had to disperse.¹³⁶ On May 29, the organizers of the holiday ceremony were detained. They were administratively arrested on the charge of persistent insubordination of legal request of policeman on protection of public order: Azer Gasimli – 30 days, Elmin Hemze – 25 days, Neriman Ismayilov – 30 days, Erestun Bakhishaliyev – 30 days.¹³⁷ A. Gasimli explained his arrest by the street procession on 28 May. On May 30, one of the founders of NIDA Civic Movement -

¹³¹ <https://www.youtube.com/watch?v=8SvJn7BGNwI>

¹³² https://www.youtube.com/watch?v=s_8LUQYHYrc

¹³³ <https://report.az/din/allahsukur-pasazade-asura-gunu-yuruslerin-kecirilmesi-qadagandir/>

¹³⁴ <https://www.azadliq.org/a/duz-99-il-bundan-evvel-memmed-eminin-rehberliyi-ile-milli-shura-azerbaycanin-dovlet-musteqilliyini-elan-edib/28513129.html>

¹³⁵ <https://www.youtube.com/watch?v=15ftEWdsSPQ>

¹³⁶ <https://www.azadliq.org/a/polis-28-may-cumhuriyyet/29254638.html>

¹³⁷ <https://www.azadliq.org/a/29276216.html>

Abulphéz Gurbanli was taken to the police station and the released. In the police station, Abulphéz Gurbanli said to the deputy chief of police station “ he participated in, organized, said slogans in the street procession on May 28”¹³⁸.

At the same day – 28 May 2018 “D18” Movement wanted to distribute chocolate and roses to the citizens of Baku city. The photo of Mammad Amin Rasulzade and the short congratulation (D18 Movement congratulates on the occasion of Republic Day) were on the surface of chocolate bars. According to “RFE / RL”, police stopped the members of the movement while distributing chocolate bars and warned that it was not allowed more than 5 persons to gather in the same place. At the same time, police said that the slogans were written on the chocolate and collective distribution of flowers was impossible.¹³⁹

2019

On January 20, NCDF members encountered police interference when they wanted to visit the Alley of Martyrs, but they were not allowed to visit for more than an hour. 20 persons were reportedly detained¹⁴⁰. During the assembly, a person declaring himself as a journalist faced police interference and police took his phone.¹⁴¹ According to the press of “Voice of America”, “police hindered the free activity of journalists. Journalists were not allowed to enter some parts of the Martyr Alley”.¹⁴² From detainees two APFP member were punished by the penalty in amount of 200 azn and other 9 members were administratively arrested: Heseneli Bakhshaliyev – 10 days, Tofiq Memmedov - 20 days, Elekberzade Israphil – 21 days, Ilqar Guliyev – 21 days, Ramin Ahmadov – 22 days, Suleyman Maharramov – 23 days, Faiq Naghiyev – 23 days, Rashid Turabov – 23 days, Ayaz Maharramli – 25 days.¹⁴³

To commemorate the victims of Khojaly genocide, the members of Musavat party tried to visit “The monument of Khojaly”, but police interfered and blocked their way.¹⁴⁴ Police officers tried to disperse people by using the force. During the interference, the council member of Musavat party – Mehman Kamran was injured. The Chairman of APFP – Ali Karimli and APFP members were not allowed to visit the monument either. While Ali Karimli and the members were on their way, The persons in civilian clothes tried to attack and swore Ali Karimli. At the same time, drones were flying over people's heads.¹⁴⁵

It should be noted that, on January 26, President Ilham Aliyev, other officials and members of parliament participated in the street procession from Baku Marine Passenger Terminal to Khojaly Genocide Memorial in Khatai district.¹⁴⁶

Initiative group of feminist women in Azerbaijan has tried to hold an unsanctioned street procession on March 8 to mark International Women's Day.¹⁴⁷ At the start point of the street procession which

¹³⁸ <https://www.azadliq.org/a/nida-polis/29259705.html>

¹³⁹ <https://www.azadliq.org/a/polis-28-may-cumhuriyyet/29254638.html>

¹⁴⁰ <https://www.youtube.com/watch?v=tfujas3ePdo>

¹⁴¹ <https://www.youtube.com/watch?v=CQa-a6YdrN0>

¹⁴² <https://www.amerikaninsezi.org/a/siyasi/4217200.html>

¹⁴³ <http://www.turan.az/ext/news/2019/1/free/Social/az/78205.htm>

¹⁴⁴ <https://www.youtube.com/watch?v=zGrjda94dOw>

¹⁴⁵ <https://www.youtube.com/watch?v=H28Zad5cip4>

¹⁴⁶ <https://report.az/siyasi-xeberler/daxili-siyaset/bakida-xocali-soyqiriminin-27-ci-ildonumu-munasibetile-yurus-kecirilir/>

has to start from “Statue of Liberated Women” and finish at “The Statue of Khurshidbanu Natavan”, police and persons in the civilian clothes interfered, the placards were taken away from the march participants. Police then surrounded the participants and began to push the into the metro station. Some of the participants were detained, then released.¹⁴⁸ During the assembly, several provocateur garbage cleaner women attacked the participants and journalists, but police did not prevent the attack.¹⁴⁹

4.5. Media and interferences in the activities of journalists

2017

On January 6, the persons who live in Baku and village near Baku and are discontented with different reasons (unlawful arrest of their spouses, seizure of their property, the activities of dissolved Ministry of National Security and local executive powers and official beings negligent towards them) tried to protest in front of the the Presidential Administration. The police officers did not let them even gather. On of the detained protesters – Sevda Suleymanova said to “RFE / RL” that “even journalists on duty were detained”.¹⁵⁰

On February 2, internally displaced persons residing in the Kizilkum sanatorium in the Pirshagi settlement of Sabunchu district protested against the installation of light meters. Bayram Safarov, the head of the executive power, who came to answer the citizens' questions, interfered in recording pf the journalist from “Meydan TV” and acted rudely against the journalist demanding the camera to be put down.¹⁵¹

On April 12, Ibrahim Mehdiyev, the head of the Yasamal District Executive Power, who came to the scene during a protest against the demolition of the mosque in Sovetsky, also rudely attacked journalist Fergana Novruzova. Ibrahim Mehdiyev accompanied by police officers slapped the camera of journalist while she was trying to take an interview from the head of executive power.¹⁵²

On July 21, residents of the Nasimi district protested the tree cutting. One person was detained and residents said they had called the Azerbaijani TV to cover the protest but the channel had not arrived.¹⁵³

On August 9, people tried to protest in front of the Penitentiary Service after allegation about torture of Abbas Huseynov who was arrested relating to Nardaran incident. The journalist from “Meydan TV” was interfered and demanded to leave the protest location.¹⁵⁴

Journalist Aytac Ahmedova was detained at 7:00 pm on October 3 while covering a protest in Zabrat village of Sabunchu district. The journalist, who was held at the police station for about 3

¹⁴⁷ <https://www.youtube.com/watch?v=XfbNh08PvA0&t=1216s>

¹⁴⁸ <https://www.azadliq.org/a/bak%C4%B1da-qad%C4%B1na-%C5%9Fidd%C9%99t%C9%99-yox-aksiyas%C4%B1-ke%C3%A7irilib/29810579.html>

¹⁴⁹ https://www.youtube.com/watch?v=r_X-lQkr0BY

¹⁵⁰ <https://www.azadliq.org/a/zencirli-aksiya-baki-prezident-apatari-qarshisi/28217288.html>

¹⁵¹ <https://www.youtube.com/watch?v=gumli4kTgQU>

¹⁵² <https://www.youtube.com/watch?v=GvKxM5EcTNQ>

¹⁵³ <https://www.youtube.com/watch?v=leEDpznw1jU>

¹⁵⁴ https://www.youtube.com/watch?v=F_FcLnsGT2Y

hours, said to “Meydan TV” that she confronted with pressure from police, police interfered her recording protest by not allowing, she was forced into a car and taken to the police station where she was slapped by police officer with the name of Kabil who threatened her by arresting according to CAO.¹⁵⁵

2018

On June 12, IDPs who gathered in front of the Presidential Administration for social requests reportedly were surrounded by the people in civilian clothes and journalists were not allowed to record.¹⁵⁶

On June 29, the students of the Azerbaijan Medical University gathered in front of the Ministry of Health in connection with a reduction in the number of seats allocated for the residency exam. Journalist from “Meydan TV” faced with interference while recording of gathering and student were demanded to make journalist stop recording if the students wanted to meet with high-level responsible officials.¹⁵⁷

On July 18, a police officer seized the camera of one of the journalists (Channel 13 reporter Nurlan Kahramanli) and pushed another journalist's camera with his hand while both of them were covering a protest against the construction of the Palace of Wedding.¹⁵⁸

Family members of some of the servicemen killed for the sake of territorial integrity of Azerbaijan have held several assemblies this year for failing to receive lump sum allowances of 11,000 manat. Journalists covering the demonstration in front of the parliament on October 16 were repeatedly interfered in and tried to break their equipment.¹⁵⁹ Police officers again interfered with reporters covering the protests of people wanting to rally in front of the Presidential Administration on October 23.¹⁶⁰ Journalists were not allowed to attend the meeting on November 13, despite requests from citizens. Citizens said that a number of media channels were biased and despite the fact that they were calling on state channels to cover the protests, but the channels did not come.¹⁶¹

On November 27, Afghan Sadigov, the chief editor of Azel.tv, was detained two hours later covering the protest of family members of late servicemen in front of the Presidential Administration. His wife, Sevinj Sadigova, told “Azel.tv” as follows: “In front of her eyes, civilians detained the journalist and took him to an unknown direction without any explanation. A. Sadigov were administratively arrested on the charge of “persistent insubordination of legal request of policeman on protection of public order” – 535.1th article of CAO.¹⁶²

Nurlan Libre (Kahramanli), a journalist of Channel 13, was detained while police inference with the members of NCDF and APFP, who wanted to visit the Martyrs' Alley on November 17 to mark the

¹⁵⁵ <https://www.youtube.com/watch?v=pJSV3XrrHPw>

¹⁵⁶ <https://www.amerikaninnesi.org/a/sosial/4435071.html>

¹⁵⁷ <https://www.youtube.com/watch?v=zvSXYMchYRs>

¹⁵⁸ <https://www.youtube.com/watch?v=8hFsdmXBS6g>

¹⁵⁹ <https://www.youtube.com/watch?v=1hOg8y0rjYc>

¹⁶⁰ <https://www.youtube.com/watch?v=8NyT4veKOXI>

¹⁶¹ <https://www.youtube.com/watch?v=pUJfke7S3z4>

¹⁶² <https://azel.tv/manset/jurnalist-%C9%99fqan-sadiqov-30-gunluk-h%C9%99bs-edilib-yenil%C9%99nib/>

National Revival Day. According to N. Libre's interview to "RFE / RL", he was detained by police during the recording that day and also faced police violence.¹⁶³

2019

On January 3, a group of political and public activists attempted to hold an unsanctioned rally with the slogans "Freedom to Mehman Huseynov!" and "Freedom to Political Prisoners" in the proximity of "Neftchiler" metro station. Police officers interfered in the unsanctioned assembly and detained some protesters, including journalists covering the event. Journalist Sevinj Vagifqizi shared in the post in "Facebook" account that police took her equipment away from her and took her rudely to the police station.¹⁶⁴ Journalist from "Channel 13" internet TV – Nurlan Kahramanli and journalist from "Azal TV" – Afgan Sadigov were administratively arrested for the term of 21-22 days and another journalist from "Azad soz (Free Word)" – was punished by the imposition of penalty in amount of 400 azn.¹⁶⁵

Journalist Joshqun Eldaroglu said to "Meydan TV" that he was called to the police station after the meeting demanding freedom to Mehman Huseynov and other political prisoners on January 19. He also noted that a police officer in the police stations said that "they were calling by phone numbers".¹⁶⁶ Journalist Ramin Deko also wrote on his Facebook page that "he was called from the police station and asked about his attendance in meeting on January 19."¹⁶⁷

According to the press of "The Voice of America", while members of NCDF faced interference by police during their visit to the Alley of Martyrs on January 20 – National Mourning Day, press members also encountered with interference and they were prevented from recording the assembly.¹⁶⁸

Journalists covering the assembly on March 19 at the Fountain Square were interfered with by plainclothes who prevented the recording and seized journalists' phones. Two of the detainees were journalist ("Obyektiv TV" reporter Fatima Movlamli and Channel 13 correspondent Nurlan Kahramanli (Libre)).¹⁶⁹

Feminist Initiative Group in Azerbaijan attempted to celebrate March 8 International Women's Day and hold unsanctioned street procession. During the assembly, garbage collector women interfered in and attacked both the participants and journalist, however, police surrounding participants did not prevent these attacks from the garbage collectors.¹⁷⁰

On April 13, a group of social activists gathered in front of 162№ school for the remembrance of student – Elina Hajiyeva who took her own life in school. The plainclothes interfered in journalists'

¹⁶³ <https://www.azadliq.org/a/29608282.html>

¹⁶⁴ https://m.facebook.com/story.php?story_fbid=10215800020347710&id=1660506032

¹⁶⁵ <https://mikroskopmedia.com/2019/01/04/mehman-huseynova-d%C9%99st%C9%99k-aksiyasinda-saxlanilanlara-sutkaliq-h%C9%99bsl%C9%99r-verilib/>

¹⁶⁶ https://m.facebook.com/story.php?story_fbid=1998524390194610&id=490548244325573

¹⁶⁷ <https://www.turan.az/ext/news/2019/01/free/Social/az/78268.htm>

¹⁶⁸ <https://www.amerikaninsesi.org/a/siyasi/4217200.html>

¹⁶⁹ https://www.youtube.com/watch?v=BV3JR_WyUbl

¹⁷⁰ https://www.youtube.com/watch?v=r_X-IQkr0BY

recording. Police, who were trying to disperse the participants, did not prevent or even warn the persons interfering in journalists' activities.¹⁷¹

4.6. Interferences in the assemblies held in closed places

2017

Republican Alternative Party (ReAL) initiative group requested BCEP to hold the first founding congress in various location (Azerbaijan State Academic Opera and Ballet Theatre; International Press Center; "Pullman Baku" Hotel; "Park Inn" Hotel; "Hyatt Regency" Hotel; "The Landmark Baku" Hotel). They suggested November 4, 5, 11, 12, 18, 19, 25, 26, or the first weekend of December as possible dates of their first founding congress. BCEP¹⁷²

Beforehand, ReAL Party applied to Baku City Main Department of Culture and Tourism for holding their founding congress on October 29. Initiative Group planned to hold a congress in "Tabriz" cinema, or "Baku" cinema, or The Palace of Culture named of S.Bahlulzade. Baku City Main Department of Culture and Tourism refused to provide a hall by the reason that the before-mentioned cinemas are not under the responsibility of the Department and The movie will be displayed at the given date in the Palace of Culture.¹⁷³

2018

According to the information given to "Turan.az" by Arif Hajili, the head of the Musavat Party the leadership of the Palace of Culture named after Sattar Bahlulzade refused to provide the Musavat Party with space for a solemn event on the occasion of the 100th anniversary of the establishment of the Parliament of the Azerbaijan Republican People's Republic (APR), announced. The leadership of the Palace of Culture did not comment in any way on the reasons for the refusal to provide the Musavat Party hall.¹⁷⁴

7 businessmen from Sumgait started hunger strike in Baku, on March 15. But a group of police officers from Binagadi District Police Station entered the apartment and broke up the hunger strike on March 17. One of the participants – Reshad Abbasov said to "Meydan TV" that they were subject to ill-treatment, police used the force to expel peaceful protesters from the building.¹⁷⁵

4.7. Unauthorized assemblies

2017

Musavat party requested BCEP to hold a street procession with slogans, such as "Freedom to Karabakh!", "Freedom to political prisoners!", "Return the billions stolen from the nation!", "Provide freedom of assembly!" on October, 21. According to the information given to the website of "Basta" by Razim Amiraslanli - Member of Council of Musavat Party, The BCEP rejected the

¹⁷¹ <https://www.youtube.com/watch?v=8SvJn7BGNwI>

¹⁷² <https://d9mc3ts4czbpr.cloudfront.net/ru/article/real-a-qurultay-ucun-yer-verilmedi/>

¹⁷³ <https://d9mc3ts4czbpr.cloudfront.net/ru/article/real-yene-qurultay-ucun-muraciet-etdi/>

¹⁷⁴ <http://www.contact.az/ext/news/2018/12/free/politics%20news/az/77201.htm>

¹⁷⁵ <https://www.youtube.com/watch?v=yUhqehY1iEg>

request by the reason of that routes proposed for procession were located on the places of heavy traffic. BCEP suggested them to hold a meeting in the “Mehsul” stadium.¹⁷⁶

The Group of Practicing Lawyers requested to hold a meeting on November, 18 for protesting amendments to the legislation which restrict the court representation by non-bar (independent) lawyers.¹⁷⁷ However, BCEP rejected the request by the reason that “the proposed changes to legislation have already been signed by the President Ilham Aliyev” and “undetermined number of participants”.¹⁷⁸

One of the participants protesting at Sire winter quarters at Shamakhi – Toghrul Salahov said to “Radio Free Europe/Radio Liberty (RFE/RL)” that they requested to hold an assembly on January 14 to protest the seizure of the winter quarters. But local executive power rejected their request and did not give permission to hold an assembly.¹⁷⁹

2018

KLO submitted written notifications to BCEP for holding a meeting with the slogan of “Freedom to Karabakh” on November 24 and December 15 in the “Mehsul” stadium. However, BCEP did not it expedient and rejected the request. The head of the department on socio-political and humanitarian issues of BCEP Zaur Ramazanov noted in the response letter: “Our honourable President Mr. Ilham Aliyev is working hard at domestic and international level to ensure the territorial integrity. At the same time, we note that the talks on the Karabakh issue are being conducted transparently, and in all events, these issues are covered by the media. Given the above, we do not consider it appropriate to hold a rally on December 15, 2018”.¹⁸⁰

NCDF submitted the written notification to BCEP for holding a meeting on occasion of 100th anniversary of the establishment of the Republic on 28 May, but BCEP rejected and suggested to hold a meeting on May 26, two days earlier than national holiday. The organizers did not agree to this offer.¹⁸¹

APFP requested to hold a meeting on the fourth of November. APFP suggested 5 destinations for meeting, but BCEP responded that “Azadliq” square are supposed for only governmental and national events, to hold assemblies in the place near Milli Majlis (The Parliament) is prohibited by the 9.3 article of the Law on Freedom of Assembly of AR and assemblies at other three places (in front of “Tabriz” cinema, Huseyn Javid park and Narimanov park) can hinder the flow of traffic.¹⁸² APFP’s request to hold a street procession on December, 15 was rejected by the same reason – heavy traffic.¹⁸³

¹⁷⁶ <http://basta2.com/az/2017/10/19/musavatini-aksiyasina-icaz%C9%99-verillm%C9%99di/>

¹⁷⁷ <http://turan.az/ext/news/2017/11/free/Social/az/66560.htm>

¹⁷⁸ <https://www.dropbox.com/s/prxw2yga8kdndg1/H%C3%BCquq%C5%9F%C3%BCnaslar.jpg?dl=0>

¹⁷⁹ <https://www.azadliq.org/a/shamaxili-cobanlarin-elinden-qishlaq-verlerini-almaq-isteyirler/28313961.html>

¹⁸⁰ <https://www.dropbox.com/s/ve48fjnny8120oy/15.12.2018.jpg?dl=0>

¹⁸¹ https://m.facebook.com/story.php?story_fbid=1786278468132098&id=100002498866752

¹⁸² <https://www.dropbox.com/s/pp73dyh7k2gt387/04.11.2018.pdf?dl=0>

¹⁸³ <https://www.dropbox.com/s/ve48fjnny8120oy/15.12.2018.jpg?dl=0>

2019

Musavat party requested for holding a meeting to support journalist – blogger in jail Mehman Huseynov in “Mehsul” stadium. To hold a meeting on the 12th of January, they submitted written notification on the seventh of January. B CEP rejected the request by the reason that notification submission procedure did not meet the demands of Article 5.1 of the Law on the Freedom of Assembly of AR (the written notification has to be submitted 5 business days prior to the date of assembly).¹⁸⁴

Musavat party planned to hold meeting and street procession with the the slogans, such as “Freedom to political prisoners!”, “Provide the freedom of assembly!”, “create conditions for free elections and political competition!” on March, 10 and suggested two routes (starting a street procession from the “Azadliq prospekti” metro station, crossing S.S.Akhundov street and holding a meeting in the square near “Darnagul” metro station, or starting a street procession from “20 Yanvar” metro station, crossing H. Zerdabi Avenue and holding a meeting in “Mehsul” stadium). B CEP rejected the request on the ground that the street procession and meeting would hinder the flow of traffic and disturb people using the metro.

Musavat Party submitted written notification to B CEP for holding street procession with beforementioned slogans on April 7. Party suggested three routes (street procession from “Azadliq” to “Darnagul” and meeting, or street procession from “20 Yanvar” metro station to “Mehsul” stadium and meeting, or a meeting in the exit of “Ganjlik” metro station – at the square in front of The Tofiq Bahramov Republican Stadium), but B CEP rejected all. The grounds for rejection presented by B CEP were those, firstly, State Examination Center had appointed final exams at the same day and secondly, because of being exits of metro station and having heavy traffic at those places police could not guarantee the safety.¹⁸⁵

B CEP rejected NCDF’s request of meeting in “Mehsul” stadium on January, 26. As the reason, B CEP claimed the violation of public order by the participants of meeting held on January 19 after assembly, public order violations by the members of NCDF while visiting Alley of Martyrs on January 20 and organizers not being able to fulfill their duties.¹⁸⁶

B CEP rejected NCDF’s request for holding a meeting on February 23¹⁸⁷, March 2¹⁸⁸, April 6¹⁸⁹ and 20¹⁹⁰ with the same grounds.

KLO submitted written notifications to B CEP for holding meetings on February 16, March 16, May 4¹⁹¹, but B CEP rejected all. B CEP showed as a reason that “President Mr. Ilham Aliyev is working hard at domestic and international level to ensure territorial integrity. At the same time,

¹⁸⁴ <https://www.dropbox.com/s/218c4buip106hqz/M%C3%BCsavat%20partiyas%C4%B1%2012%20yanvar%20mitinqi-n%C9%99%20cavab.jpeg?dl=0>

¹⁸⁵ <https://www.dropbox.com/s/xr6awi31vj441rz/07.04.2019.jpg?dl=0>

¹⁸⁶ <https://www.dropbox.com/s/6pb9jac4iji0rce/26.01.2019.jpg?dl=0>

¹⁸⁷ <https://www.realtv.az/news/az/12344/milli-shuranin-23-fevral-mitinqi-ile-bagli-muracietine-cavab-verildi>

¹⁸⁸ <https://www.dropbox.com/s/8e6fe061lrqd2xo/02.03.2019.jpg?dl=0>

¹⁸⁹ <https://www.dropbox.com/s/Ofqrbjsbm141mi7/06.04.2019.jpg?dl=0>

¹⁹⁰ <https://www.dropbox.com/s/wycz49gqbqzg5k9/20%20aprel%202019.jpg?dl=0>

¹⁹¹ <http://operativ.tv/bu-il-13-mitinq-icaz-verilmyib.html>

we note that the talks on the Karabakh issue are being conducted transparently, and in all events, these issues are covered by the media”.¹⁹²

5. Assessment of situation by the international organizations

UN. In the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association¹⁹³ on 4 August 2015, interferences are noted: “The authorities may deny permission, licences or other facilitation for demonstrations and protests, especially those held in opposition to major corporate-sponsored events. A glaring example is the crackdown by Azerbaijan on human rights activists protesting the European Games, which were largely sponsored by corporate entities”

Compilation on Azerbaijan Report of the Office of the United Nations High Commissioner for Human Rights¹⁹⁴ on 16 March 2018, The Human Rights Committee expressed concern about restrictions on the right to peaceful assembly in practice, “including allegations of frequent use of excessive force and/or detention, and the imposition of administrative and criminal penalties against persons participating in peaceful protests.”

Parliamentary Assembly - Council of Europe. Pace noted in the document - “the functioning of democratic institutions in Azerbaijan”¹⁹⁵ which was published in 2017: “The Assembly is concerned about allegations of a restrictive climate for the activities of the extra-parliamentary opposition and limitations imposed on freedom of assembly. The legislation and practice governing public assemblies, which lacks foreseeability and precision, leads to public assemblies allegedly being banned, including the arbitrary arrest and detention of protesters, which has a negative effect on the exercise of the right to freedom of assembly.”

Pace expressed concerns in the report about Azerbaijan on 18 September 2017¹⁹⁶: “The law relating to freedom of assembly was amended in 2008 following advice from the Venice Commission, but it would seem that the “notification procedure” has been interpreted more as an “authorisation procedure”. Azerbaijan law lays down harsh penalties for the organisation of, or participation in, any “unauthorised” public gathering, i.e. administrative detention or heavy fines. This situation has already been criticised by the European Court of Human Rights in some 10 judgments concerning peaceful demonstrations held between 2010 and 2014 (see *Gafgaz Mammadov v. Azerbaijan group*); Unfortunately, no progress has been made in terms of the general measures called for by the Committee of Ministers for the execution of these judgments.”

Report of the Working Group on the Universal Periodic Review about Azerbaijan - 11 July 2018¹⁹⁷. In the mentioned report, countries, namely The United Kingdom, Brazil, Switzerland, The

¹⁹² <https://www.dropbox.com/s/srtgt47rh0i6afj/16.02.2019.jpg?dl=0>

¹⁹³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/242/64/PDF/N1524264.pdf?OpenElement>

¹⁹⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/065/29/PDF/G1806529.pdf?OpenElement>

¹⁹⁵ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24188&lang=en>

¹⁹⁶ <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnNveG1sL1hSZWYvWDJlURXLWV4dHIuYXNwP2ZpbGVpZD0yNDAYNiZsYW5nPUVO&xsl=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVC1YTUwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTI0MDI2>

¹⁹⁷ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/210/88/PDF/G1821088.pdf?OpenElement>

United States of America, Austria, Peru, Spain, Germany and Italy expressed their concerns about the situation of the freedom of assembly in Azerbaijan and gave their recommendations to improve the situation.

The United Nations Special Rapporteur on the situation of human rights defenders - Michel Forst, The OSCE Representative on Freedom of the Media - Dunja Mijatović and the Council of Europe Commissioner for Human Rights - Nils Muižnieks noted in the article¹⁹⁸ published on “Open Democracy” website on 3 June 2015: “In recent years, and particularly during the last 12 months, expressing dissent or scrutinising the powerful has become a very risky business in Azerbaijan...”

The reality is that the rule of law has been twisted to justify repression: criminal prosecutions have been initiated to punish those who dissent; legislation has been introduced to restrict the activities of non-governmental organisations; the police have been used to repress peaceful protesters.”.

“**Amnesty International**”. AI evaluated the situation of the freedom of assembly in Azerbaijan as follows in the statement published on 20 November 2018¹⁹⁹: “Azerbaijan’s Constitution guarantees the right to freedom of peaceful assembly;1 however, other legislation tightly regulates public assemblies, and local municipalities often refuse permission for peaceful demonstrations organized by the opposition, particularly in the capital Baku. Police often use excessive force to disperse peaceful demonstrations.”

6. Conclusion

The research concluded that the freedom of assembly was severely restricted in Azerbaijan. These restrictions stem from both legislation and practice:

Definition of fortuitous assemblies was not provided in the legislation. The Code of Administrative Offences and Criminal Code set sanctions against organizer and participants of the assemblies held without prior notification, so these interferences are disproportionate with the freedom of assembly. Sanctions were aggravated after amendments to the legislation, that is why most people avoid participating in assemblies. Despite grave penalties against organizers and participants of the assemblies, There is no article establishing the penalties regarding the representative of the state bode for restricting or prohibiting without sufficient grounds.

The concept of “notification” was interpreted as “consent”. Notification is meant to provide safety of persons involved in assembly and around, but police do not let even small groups hold assembly without written notification. Lack of written prior notification is sufficient ground for the suspension of peaceful assemblies. This means that “the measure of last resort” mentioned in the 3.3 and 8.6 articles of the Law on Freedom of Assembly was not applied in practice. Both domestic and local executive authorities and police do not provide sufficient grounds when they order to prohibit or suspend the assembly, they do not examine that other restrictions can or cannot be

¹⁹⁸ <https://www.coe.int/en/web/commissioner/-/sport-cannot-ignore-human-righ-1>

¹⁹⁹ <https://www.amnesty.org/download/Documents/EUR5594302018ENGLISH.pdf>

enough. Moreover, grounds for restrictions established in the mentioned law are abstract and can be used widely.

The assemblies are only allowed to hold in the places reserved for assemblies by the executive authority. These places are not located in the city centre. However, there were many cases in practice when assemblies were not allowed to conduct in those places either. Research concluded that BCEP does not examine only the safety issued, but also examine the purpose of the assemblies. Moreover, the priority of freedom of assembly is not taken into account, and as a result, freedom of assembly is interfered with for the purposes, namely rest of people, traffic, activities of business entities which are disproportionate to the interferences applied.

Some types of assemblies are restricted. In the mentioned period, all requests of opposition to held street procession were rejected. The fact that the pretext of the traffic for rejecting street processions denies the existence and possibility to hold street processions. Because street processions have to be hold in the streets. Additionally, the assemblies hold on the occasion of memorials and holidays which had not been interfered before were subject to interferences in recent years.

Distribution of brochures for promotion purposes prior to assemblies is also prevented, organizers are called to the police station, even some are administratively arrested on charges of "persistent insubordination of legal request of policeman on protection of public order". During assemblies, police prohibited to display the placards which were not given consent by BCRP while their content didn't contain any signs of hate speech. There were cases of drones flying over the participants. Polis used excessive and disproportionate power against the participants during the assemblies. In addition to the police, people in civil clothes also interfered in the assemblies, preventing participants to exercise their rights, however, police did not try to stop such interferences towards participants. After assemblies, the participants received calls from the police station about their participation, they were called to come to police station without official summons, they were detained or arrested on the charge of "persistent insubordination of legal request of policeman on protection of public order". These cases were frequently encountered in practice.

Police prevented journalists to record the assemblies and police activities by taking their cameras, acting towards them rudely and detaining even though journalists declared their professions and wearing press jackets.

The government of Azerbaijan paves the way for violations of human rights to persist by not implementing the judgments and decision of EHCR regarding the freedom of assembly. The participants are still arrested before and after assemblies to make people avoid participating in the assemblies. Eventually, The Government refuses to add principles and standards which were prescribed in the international non-binding documents to the domestic legislation.

7. Recommendations

1. To know which assemblies are protected under the concept of fortuitous assemblies and to prevent excessive and unlawful interferences under the pretext of international events of state

importance, the definition and features of fortuitous assemblies and international events of state importance should be defined explicitly.

2. The prohibition of holding assemblies except for pickets in a radius of 200 meters around the important state buildings violates the principle of “sight and sound” and moves the protesters away from their target audience. So this prohibition has to be abolished or the distance should be shortened.

3. The power given to the bodies of the police by the amendment made in 2008 to the article 14, paragraph I, item 2 of the Law on the Freedom of Assembly – suspending all assemblies lacking prior written notification with the exception of fortuitous assemblies – should be abolished. Furthermore, penalties prescribed in the 513th article of CAO and 169.1 of the CC – organizing and participating in the non-violent assemblies - should be abolished.

4. The freedom of assembly should be given the priority. Grounds for interference should be clarified. The clash with other rights should not be sufficient ground to restrict the freedom of assembly. It should be considered that the freedom of assembly is fundamental human rights and it is not less significant than the rest of people, traffic and the activities of business or entertainment enterprises. That is why the representative of the executive authority who makes interference should provide with sufficient reasons and grounds and prove the interference is a measure of last resort. The representative of the executive authority who prohibits, or restricts assemblies without sufficient ground should be punished.

5. Designating special places for assemblies should not be interpreted as the ban on holding assemblies in other places. Authorities should pave the way to hold assemblies particularly in the city centre where people mostly gather, so the assemblies should address more people and access their target group more easily.

6. Notification should not be interpreted as permission. Lack of prior written notification should not mean sufficient ground to suspend assemblies. Police officers should facilitate any assembly as long as it is peaceful and show sufficient reasons when decide to suspend an assembly.

7. It should be considered that assemblies are also a platform to voice the ideas and opinions that contradict with the position of governments and society as the whole. That is the purpose of assemblies should not be subject to examination unless it is meant to be violent. Placards which do not contain hate speech or calls to violence should not be prohibited.

8. The organizers should not be liable for the unlawful acts of the assembly participants. If unlawful acts happened by participants during, or after assemblies, it should not be pretext to prohibit the same organizers to hold assembly again. Moreover, legislation should explicitly show that such prohibition is unlawful and impermissible.

9. The cases, such as calls from police officers, calls to come to the police station without official summons, warning and dismissal from the places where participants work and get their education should be put an end. The frequent use of the charge of “persistent insubordination of legal request of policeman on protection of public order” in practice makes people avoid participating in assemblies, so the application practice of this charge should be suspended.

10. During the assembly, or after police order the assembly to be stopped, police should not allow people in civilian clothes to interfere in the participants of assemblies, remover provocateurs from the assembly place and therefore cooperate with organizers in all cases. Police officers should

not try to take participants away from the assembly place by surrounding and pushing them unless there is a serious threat to safety.

11. Police officers should not interfere with journalists' activities, video or photo shoots, or seize and hold journalists' cameras and equipment. Journalists' associations should conduct together with law enforcement agencies on improving this situation.

12. Awareness should also be raised among the public and officials and the significance of freedom of assembly should be promoted. The officials should be held liable for unlawful and unreasonable interference.

13. The implementation of the decisions and judgments of ECHR and other international documents should be provided.

Note: 3; 4; 5; 6 and 12th paragraphs of recommendations were made in the report on the freedom of assembly published in 2007²⁰⁰, 2; 5; 6; 9; 10 and 12th paragraphs were made in the report on the same issue published in 2014²⁰¹, however, these recommendations are not provided and the problems still remain unsolved.

²⁰⁰ <https://www.dropbox.com/s/tcko9zd3uccr9tg/report%20-%20milli%20-%20Sarbast%20toplashmaq%20huququ-%202007.pdf?dl=0>

²⁰¹ <http://deyerler.org/engine/download.php?id=641>

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