



Reference: TG EUR 56/2024.6250

Rati Bregadze
Minister
Georgian Ministry of Justice
24 Gorgasali Street,
Tbilisi, Georgia

8 November 2024

Dear Minister,

AFGAN SADIGOV - ASULUM SEEKER FROM AZERBAIJAN

I am writing on behalf of Amnesty International to express deep concern regarding the detention of Afgan Sadigov, an exiled journalist from Azerbaijan, on an extradition order. Amnesty International believes that Afgan Sadigov is at risk of serious violations of his human rights if he is returned to Azerbaijan, including arbitrary detention, torture and other ill-treatment, and unfair trial. His extradition would be in breach of Georgia's obligation under international human rights law not to transfer any person to a place where they would be at real risk of serious human rights violations, including torture and other ill-treatment (the non-refoulement obligation). The prohibition on torture and other ill-treatment is absolute under international law. We call therefore on Georgian authorities to immediately release him and provide him with international protection in line with Georgia's international obligations.

The history of prosecution of Afgan Sadigov in Azerbaijan as well as the current attempt to seek his extradition on manifestly politically motivated charges are retaliation by the Azerbaijani authorities for his critical reporting, and reflect a broader trend of suppressing independent media in Azerbaijan. Persecution of government critics has especially intensified in Azerbaijan ahead of the UN Climate Change Conference (COP29) scheduled to be held in Baku later this month, with an increasing number of independent journalists and government critics arrested on false charges in the run-up to the conference.

Human Rights Situation in Azerbaijan

Amnesty International has documented serious human rights violations in Azerbaijan and noted a significant deterioration of the situation over the recent years. The rights to freedom of expression, association and peaceful assembly in particular have been severely and progressively restricted. Many independent journalists, human rights defenders and other activists who tried to exercise these rights have faced harassment and criminal prosecution under false charges, and a growing number of individuals have been sentenced to imprisonment following unfair trials. Dozens of journalists, human rights defenders and activists are detained solely for peacefully exercising their rights.

Amnesty International has documented multiple cases of individuals who were arrested after criticizing the Azerbaijani authorities or investigating corruption and were subsequently tortured or otherwise ill-treated in custody. The authorities have persistently failed to investigate the well-founded allegations of torture and other ill-treatment and the Azerbaijani courts have routinely accepted self-incriminating statements obtained as a result of torture and other ill-treatment.

Harassment of Journalists critical of the authorities

More than a dozen independent journalists have been convicted or are facing spurious criminal charges and remain in prison or in pretrial detention, while independent media outlets such as Abzas Media, Kanal 13, Toplum TV and others have been effectively eliminated after their key members of staff were arrested on politically motivated charges.¹

Since November 2023, six employees of investigative news outlet Abzas Media have been arrested and remain in pretrial detention on charges of smuggling grant money² into Azerbaijan: director Ulvi Hasanli,³ deputy director Mahammad Kekelov, editor-in-chief Sevinj Vagifgyzy, and staff journalists Elnara Gasimova and Nargiz Absalamova. Two independent journalists, Hafiz Babali and Imran Aliyev, accused of cooperating with the media outlet, have also been arrested and are in pretrial detention. Abzas Media publications had previously covered alleged corrupt deals by companies connected with government officials. The outlet has also conducted investigations into environmental issues such as pollution and health threats deriving from a gold mine. The outlet was reportedly planning a further investigation into the gold mine pollution and other human rights violations prior to the arrests.

In November – December 2023, a court in Baku remanded Aziz Orujov, director of Kanal 13, and its anchor Shamo Eminov, on politically motivated charges of smuggling grant money (similar to those in the case of Abzas Media). The court also ordered to block online access to Kanal 13, which had given platform to political opposition and dissenting voices and covered various human rights issues.

Simultaneously, the authorities arrested at least three journalists covering corruption and human rights issues on charges of extortion.⁴ These include Teymur Karimov, reporter and director of online news outlet Kanal-11; Arshad Ibrahimov, the head of the news website Dunyaninsesi.az, and Ibrahim Humbatov of Azerinfo.az.

On 6 March 2024, police raided one of the last remaining independent news channels, Toplum TV, its partner organization, the Institute of Democratic Initiatives (IDI), and the Platform for the Third Republic, an opposition group.⁵ Authorities then detained about a dozen journalists and activists including Toplum TV founder Alasgar Mammadli, journalist Mushfig Jabbar, Third Republic board members Akif Gurbanov and Ruslan Izzatli and IDI activists Ramil Babayev and Ali Zeynalov.

Torture and ill-treatment and denial of adequate medical care in Azerbaijani prisons

Torture and other ill-treatment in detention, by members of police and other law enforcement agencies, are widespread in Azerbaijan, committed with impunity. As a rule, credible allegations of torture are not effectively investigated, and those responsible are almost never brought to the justice. There is no independent complaints mechanism, and no access to justice and effective remedies for the victims.⁶ Almost all imprisoned government critics routinely report being subjected to torture and other ill-treatment in detention.

Detained Abzas Media's director Ulvi Hasanli reported receiving threats after publishing a letter in July 2024, alleging that "prisoners are crucified, beaten and hung on bars in the corridors" on a regular basis in the Kurdakhani detention

¹ Amnesty International, "Azerbaijan: Authorities intensifying crackdown on independent media" , 12 December 2023, <https://www.amnesty.org/en/latest/news/2023/12/azerbaijan-authorities-intensifying-crackdown-on-independent-media>

² Criminal Code of the Azerbaijan Republic, Article 206.3.2.

³ Amnesty International, "Azerbaijan: Significant concerns about detained journalist Ulvi Hasanli, 20 November 2023, <https://www.amnesty.org/en/latest/news/2023/11/azerbaijan-significant-concerns-about-detained-journalist-ulvi-hasanli>

⁴ Criminal Code, Article 182.

⁵ Amnesty International, "Azerbaijan: Campaign of intimidation against independent media continues with raid on Toplum TV" , 7 March 2024, <https://www.amnesty.org/en/latest/news/2024/03/azerbaijan-campaign-of-intimidation-against-independent-media-continues-with-raid-on-toplum-tv>

⁶ Amnesty International, "Azerbaijan: as Azerbaijani forces assume full control over Nagorno-Karabakh, it must respect and protect the rights of local ethnic Armenians." <https://www.amnesty.org/en/wp-content/uploads/2023/10/EUR5572542023ENGLISH.pdf>

center No. 1, where he and other detained Abzas Media's members are held. Ulvi Hasanli himself has also been subjected to reported beatings and other ill-treatment in detention.

On 3 July 2024, The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), exceptionally, publicly denounced Azerbaijan's "refusal to improve the situation in the light of the Committee's recommendations" and "persistent lack of cooperation of the Azerbaijani authorities with the CPT".⁷ In the report published alongside the statement, the Committee expressed extreme concern regarding longstanding and widespread resort to torture and other physical ill-treatment by police and called the Azerbaijani authorities "to break this 'unholy alliance' between the continued resort to physical ill-treatment/torture by the police and the pervasive practice of threats, planting evidence, forced confessions and extortion."⁸

Individual Circumstances of Afgan Sadigov

Afgan Sadigov is a journalist and editor of online media outlet *Azel.Tv* reporting on various social issues including alleged corruption in the government. He has previously faced persecution in an apparent retribution for his critical writings and has been arrested under apparent politically motivated charges. In 2016 he was accused of assaulting an unknown person and sentenced to 2.5 years in prison on questionable hooliganism charges. After his release, he was arrested again in 2020, on charges of extortion. In his defence at the time, he has claimed the extortion charge was filed in retaliation for a story he published about local officials in the city of Sumgayit who were allegedly involved in covering up a case of sexual assault by local police officers.⁹ In November 2020 he was convicted and sentenced to seven years in prison. His sentence was reduced to four years on appeal, in July 2021. During his second imprisonment, he went on a 242-day hunger strike which has significantly damaged his health. He was released under a presidential pardon in May 2023.

Shortly after his release, he left Azerbaijan for Georgia, where his family joined him in July 2024. He continued his journalistic activities covering critical issues in Azerbaijan. In July 2024, Georgian authorities prevented him from exiting to a third country. On 3 August, he was detained in Tbilisi in response to Azerbaijan's extradition request on charges of threat and extortion. His application for international protection has been rejected by the Georgian authorities.

The extradition request from the Azerbaijani authorities is reportedly based on accusations of extortion. The Azerbaijani authorities allege that in August 2023, Sadigov demanded 6,000 manats from an Azerbaijani official in exchange for not publishing a video allegedly showing links between the official and organized crime. However, Sadigov's lawyers claim that the video in question had already been widely circulated on social media as of July 2023, making it implausible that Sadigov could use it for blackmail.

Afgan Sadigov maintains that the current charges against him, similar to those he had faced previously, are fabricated and politically motivated in retaliation for his critical journalistic work. His claim is consistent with Amnesty International's findings, over the past years, of reprisal against free speech and unfounded prosecution of government critics in Azerbaijan.

⁷ Council of Europe. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). News 2024. *Council of Europe anti-torture Committee issues public statement on Azerbaijan*. 3 July 2024. <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-issues-public-statement-on-azerbaijan>

⁸ Council of Europe. Committee for the Prevention of Torture. Report to the Azerbaijani Government on the visit to Azerbaijan carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 12 to 19 December 2022. CPT/Inf (2024) 23. 3 July, 2024. <https://rm.coe.int/1680b08fa3>

⁹ Afgan Sadygov - Committee to Protect Journalists. <https://cpj.org/data/people/afgan-sadygov/>

Georgia's international obligations

Under international law, states are under an absolute obligation not to transfer any person to a place where they would be at real risk of torture or other ill-treatment.

Georgia ratified the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1999. According to Article 3 of the Convention, no state party shall expel, return or extradite a person to another state where there are substantial grounds for believing that he would be in danger of being subjected to torture.

In addition, the European human rights systems established the principle that states need to consider the risk of a denial of a fair trial when deciding the transfer of an individual to another state.¹⁰ The state should also refuse extradition if the person whose extradition is requested “has not received or would not receive the minimum guarantees in criminal proceedings”.¹¹

Yours sincerely,



Dr Denis Krivosheev
Deputy Director
Europe and Central Asia Regional Programme
International Secretariat
Amnesty International

¹⁰ CoE Guidelines, XIII(4). European Court of Human Rights, Soering Judgment, par. 113. European Court of Human Rights, Drodz and Janusek v. France and Spain (application no. 12747/87), Judgment, 26 June 1992, par. 110.

¹¹ UN General Assembly, *Resolution 45/116: Model Treaty on Extradition*, UN Doc. A/RES/45/116 (1990), annex, art. 3(f).