

Condemning the Arbitrary Detention of Dr. Gubad Ibadoghlu in Azerbaijan

The New York City Bar Association (hereinafter “Association”) strongly condemns the arbitrary detention of and deprivation of medical treatment to the prominent opposition politician, human rights defender, and internationally renowned economist¹ and academic Dr. Gubad Ibadoghlu on July 23, 2023, in Sumgayit, Azerbaijan.²

Dr. Ibadoghlu is Chairperson of the Azerbaijan Democracy and Prosperity Movement, an opposition party with a social-democratic platform which has been denied registration as a political party in Azerbaijan.³ He is a co-founder of the UK-based Azerbaijani Youth Education Foundation, an activist group supporting the Democracy and Prosperity Movement which has been targeted by pro-government media outlets.⁴

In 2015, another NGO led by Dr. Ibadoghlu, the Economic Research Center, had its bank account frozen by the Azerbaijani authorities.⁵ The NGO brought a claim before the European Court of Human Rights, which found that Azerbaijan had violated Article 1, Protocol 1 of the European Convention on Human Rights.⁶

Since at least 2017, Dr. Ibadoghlu has resided outside Azerbaijan. At or around that time, Dr. Ibadoghlu was forced into political exile from Azerbaijan for his contentious work covering issues such as corruption and embezzlement and his activism surrounding political transparency in Azerbaijan, particularly regarding President Aliyev and his family.⁷

On June 30, 2023, Dr. Ibadoghlu returned to Azerbaijan to visit his ill mother.⁸

¹ Dr. Ibadoghlu holds a Ph.D. in Economics and, until recently, was a Senior Visiting Fellow at the London School of Economics. See London School of Economics and Political Science, “Dr. Gubad Ibadoghlu” (last visited 28 December 2023), <https://www.lse.ac.uk/international-relations/people/visiting-fellows/ibadoghlu-gubad>.

² AMNESTY INT’L, “Azerbaijan: Academic, Critical of Government, Detained” (last visited 13 January 2024), <https://www.amnesty.org.uk/urgent-actions/academic-critical-government-detained>.

³ *Id.*

⁴ HUM. RTS. WATCH, “Azerbaijan: Opposition Leader Arrested” (25 July 2023), <https://www.hrw.org/news/2023/07/25/azerbaijan-opposition-leader-arrested>; see also European Parliament, “MOTION FOR A RESOLUTION on the case of Dr Gubad Ibadoghlu, imprisoned in Azerbaijan” (12 September 2023), https://www.europarl.europa.eu/doceo/document/B-9-2023-0370_EN.html.

⁵ The Economic Research Center was an NGO that “conducted research on public finance management, good governance, and budget transparency.” HUM. RTS. WATCH, *supra* n. 4.

⁶ See Eur. Ct. Hum. Rts., *Imranova and others v. Azerbaijan*, app. no. 74254/14.

⁷ WASHINGTON POST, “The kleptocracy strikes back. An Azerbaijani economist should be freed.” (6 August 2023), <https://www.washingtonpost.com/opinions/2023/08/06/azerbaijan-arrest-gubad-ibadoghlu/>. See also AMNESTY INT’L, “Azerbaijan: Jailed academic’s health deteriorates: Gubad Ibadoghlu” (12 December 2023), <https://www.amnesty.org/en/documents/eur55/7530/2023/en/>.

⁸ See AMNESTY INT’L, *supra* n. 2.

On July 23, 2023, while Dr. Ibadoghlu was driving with his wife to meet youth activists from his political party, his car reportedly was surrounded by plainclothes police officers in four civilian cars, which rammed into his car and forced him into a traffic accident.⁹ Thereafter, these plainclothes police officers jumped out of their vehicles and physically assaulted Dr. Ibadoghlu and his wife.¹⁰ Dr. Ibadoghlu was arrested on dubious charges of possessing fake currency and extremist religious materials for which he was held in pre-trial detention in Narimanov District for several months.¹¹

These charges have been contested and opposed by Dr. Ibadoghlu as fabricated.¹² The possession of extremist religious materials charge was apparently in conjunction with a 2023 smear campaign¹³ against the Azerbaijani Youth Education Foundation which attempted to link another co-founder of the Foundation to the alleged orchestration of the 2016 attempted coup in Türkiye.¹⁴ As for the counterfeit currency charge, investigators claimed to have found a bag of money containing approximately USD 40,000.¹⁵ Dr. Ibadoghlu contests both the putative inauthenticity and the ownership of the banknotes.¹⁶

While in detention, Dr. Ibadoghlu filed complaints to replace his detention with house arrest¹⁷ given his serious health problems including, *inter alia*, diabetes and heart problems, which require several medications and reportedly have worsened in detention.¹⁸ These complaints were summarily denied by Azerbaijani courts.¹⁹ Since being detained, Dr. Ibadoghlu has suffered from other life-threatening medical conditions.²⁰ Medications are being administered on an irregular schedule, exacerbating Dr. Ibadoghlu's risk of stroke and other serious medical complications.²¹

As reported by Amnesty International, “[t]he denial of [Dr. Ibadoghlu's] fair trial rights, including access to a lawyer of his choice, the possibility of talking to his legal representative in private, as well as the disciplinary threats and harassment against his lawyer, underscore the

⁹ HUM. RTS. WATCH, *supra* n. 4.

¹⁰ *Id.*

¹¹ European Parliament, “MOTION FOR A RESOLUTION on the case of Dr Gubad Ibadoghlu, imprisoned in Azerbaijan” (12 September 2023), https://www.europarl.europa.eu/doceo/document/B-9-2023-0370_EN.html.

¹² HUM. RTS. WATCH, *supra* n. 4.

¹³ See SIA, “‘Education fund’ of grantees” (18 July 2023), <https://sia.az/az/news/politics/1074577.html>.

¹⁴ HUM. RTS. WATCH, *supra* n. 4; see also European Hum. Rts. Advocacy Centre, “European Court orders Azerbaijan to provide detained economist with medical assistance, in latest case regarding care of political prisoners” (31 January 2024), https://ehrac.org.uk/en_gb/european-court-orders-azerbaijan-to-provide-detained-economist-with-medical-assistance-in-latest-case-regarding-care-of-political-prisoners/.

¹⁵ AMNESTY INT’L, *supra* n. 2.

¹⁶ See Ismi Aghayev, “Azerbaijani opposition party chair detained for ‘collusion with a terrorist organisation,’” OC MEDIA (25 July 2023), <https://oc-media.org/azerbaijani-opposition-party-chair-detained-for-collusion-with-a-terrorist-organisation/>.

¹⁷ See European Hum. Rts. Advocacy Centre, *supra* n. 14.

¹⁸ See AMNESTY INT’L, *supra* n. 5.

¹⁹ See HUM. RTS. WATCH, *supra* n. 4; see also European Hum. Rts. Advocacy Centre, *supra* n. 14.

²⁰ AMNESTY INT’L, *supra* n. 2.

²¹ *Id.*

political motivation behind Gubad Ibadoghlu’s detention and raise fundamental concerns about due process and the integrity of the legal proceedings against him.”²²

The Association condemns the actions of Azerbaijan which may amount to violations of Dr. Ibadoghlu’s human rights, including arbitrary detention in contravention of the International Covenant on Civil and Political Rights²³ and the European Convention of Human Rights,²⁴ access to justice and due process, and access to adequate medical treatment. The Association urges the authorities of Azerbaijan to:

- Immediately and unconditionally release Dr. Gubad Ibadoghlu, who is evidently being punished solely for his legitimate human rights and democratic activities;
- Guarantee in all circumstances the physical integrity and medical and psychological wellbeing of Dr. Ibadoghlu and all human rights defenders in Azerbaijan; and
- Put an end to all acts of harassment, intimidation, and arbitrary detention against Dr. Ibadoghlu and all other human rights defenders in Azerbaijan.

The New York City Bar Association calls on the United Nations Special Rapporteur on Human Rights Defenders and other relevant Special Procedure mandate holders of the Human Rights Council to address a joint allegation letter to the Government of Azerbaijan, urging the authorities to renew their commitment to the United Nations Declaration on Human Rights Defenders²⁵ and ensure in all circumstances that Azerbaijani human rights defenders are able to carry out their legitimate activities without any hindrance or fear of reprisals.

United Nations Committee
International Human Rights Committee

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²² AMNESTY INT’L, “Azerbaijan: Authorities must immediately release prominent scholar Gubad Ibadoghlu” (7 September 2023), <https://www.amnesty.org/en/latest/news/2023/09/azerbaijan-authorities-must-immediately-release-prominent-scholar-gubad-ibadoghlu/>.

²³ ICCPR, art. 9.

²⁴ ECHR, art. 5.

²⁵ U.N. Declaration on Human Rights Defenders, G.A. Res. A/RES/53/144, <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders>.

*This statement was drafted and approved by the United Nations Committee, and reviewed and approved by the International Human Rights Committee, City Bar policy staff and the City Bar President. After the statement was drafted but before it was issued, Ervin Nina (co-chair of the UN Committee) and Justin Loveland (UN Committee member) were engaged to provide pro bono representation to the Ibadoghlu family. The committees, City Bar staff and the President approved the report with knowledge of these members’ work on behalf of the family, and the UN Committee’s vote was unanimous in support of the report without including their votes.