

THE GOVERNMENT OF CANADA SHOULD IMPOSE SANCTIONS ON
THE AZERBAIJANI GOVERNMENT FOR ITS ONGOING VIOLATIONS OF
HUMAN RIGHTS AND INTERNATIONAL LAW

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HAYREN Partners for Humanity

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1. Introduction

The Government of Canada must apply the *Special Economic Measures Act* (SEMA)¹ as well as the *Justice for Victims of Corrupt Foreign Officials Act* (Sergei Magnitsky Law)² to impose sanctions on Azerbaijan and its government officials for its grave and ongoing breaches of international peace and security in the Southern Caucasus and for its gross and systematic human rights violations. These violations include the large scale war launched against the Nagorno-Karabakh (the Republic of Artsakh) in 2020, the military aggression and war against the Republic of Armenia in 2021 and 2022, war crimes, illegally holding Armenian prisoners of war captive, the illegal blockade of the Lachin corridor since December 12, 2022 and gross human rights violations against political activists. Since September 2022, Azerbaijan illegally occupies 140 km² of the Republic of Armenia's territory to this day. President Ilham Aliyev's clear intent and sole objective is to ethnically cleanse the indigenous Armenian population from its homeland, at all costs.

President Aliyev, his immediate family members and several key government officials have also been involved in transnational crimes, including crimes against humanity, money laundering, and caviar diplomacy, the whole as will be outlined more fully below.

The Canadian Government should impose economic sanctions pursuant to SEMA as well as the Sergei Magnitsky Law, given that:

- 1.1. a grave breach of international peace and security has occurred that has resulted in or is likely to result in a serious international crisis; (section 4 (1.1) (b) SEMA);
- 1.2. gross and systematic human rights violations have been committed (section 4 (1.1) (c) SEMA and section 4 (2) (a) Sergei Magnitsky Law), and
- 1.3. Aliyev, his immediate family members and regime officials are responsible for or complicit in ordering, controlling or otherwise directing significant acts of corruption (section 4 (1.1) (d) SEMA and section 4 (2) (c) Sergei Magnitsky Law)

¹ Special Economic Measures Act (S.C. 1992, c. 17); <https://laws-lois.justice.gc.ca/eng/acts/S-14.5/index.html>

² Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law) (S.C. 2017, c. 21); <https://laws.justice.gc.ca/eng/acts/J-2.3/page-1.html>

2. Grave breaches of international peace and security (s. 4 (1.1) (b) SEMA)

2.1. Azerbaijani 2020 military aggression against Artsakh Armenians

- 2.1.1. On September 27, 2020, without provocation, the Azerbaijani forces and their hired Syrian mercenaries³ launched a massive war against the democratic Republic of Artsakh (Nagorno-Karabakh) and captured the Hadrut and Shushi regions. In October 2021, Armenian PM Nikol Pashinyan reported that 3,773 Armenians were killed during this war and that 243 individuals were still missing.⁴
- 2.1.2. Sergei Naryshkin, the head of the Foreign Intelligence Service of the Russian Federation (SVR) confirmed that Syrian and Libyan fighters from illegal armed groups were being sent by Azerbaijan and Turkey to the region, mainly from the Hayat Tahrir al-Sham militant group and Firqat al-Hamza, Sultan Murad Division which are active in Syria. He underlined that “we are talking about thousands of radicals hoping to earn money in a new Karabakh war.”⁵ The president of France, Emmanuel Macron also confirmed the fact that Syrian mercenaries were fighting on behalf of Azerbaijan.⁶ Syrians for Truth and Justice produced a report confirming that 150 Caucasian jihadists were sent to Azerbaijan by Turkey in July 2020 and another group of 2000 Syrian fighters were sent in September 2020.⁷
- 2.1.3. These actions are clear violations of international law prohibiting the use of mercenaries in armed conflicts, notably article 4 of the Hague Convention V and the Charter of the United Nations article 2, paragraph 4 prohibition.⁸

³ The Syrian mercenaries used as 'cannon fodder' in Nagorno-Karabakh; BBC; December 10, 2020; <https://www.bbc.com/news/stories-55238803>

⁴ Armenian PM Says Almost 3,800 Soldiers Killed In War With Azerbaijan; RadioFreeEurope; August 24, 2021; <https://www.rferl.org/a/armenian-deaths-karabakh-war/31425644.html>

⁵ Russia unhappy with Turkey sending Syrian mercenaries to Azerbaijan; The Arab Weekly; October 7, 2020; <https://the arabweekly.com/russia-unhappy-turkey-sending-syrian-mercenaries-azerbaijan>

⁶ France accuses Turkey of sending Syrian jihadists to Nagorno-Karabakh; Reuters; October 1, 2020; <https://www.reuters.com/article/us-armenia-azerbaijan-putin-macron-idUSKBN26L3SB>

⁷ Government Policies Contributing to Growing Incidence of Using Syrians as Mercenary Fighters; November 2, 2020; Syrians for Truth & Justice; <https://stj-sy.org/en/government-policies-contributing-to-growing-incidence-of-using-syrians-as-mercenary-fighters/>

⁸ <https://www.ohchr.org/en/node/3383/international-standards>

- 2.1.4. During the 2020 Artsakh war, Azerbaijani servicemen also committed numerous war crimes and most of the culpable individuals were awarded honors by the Azerbaijani president instead of being jailed. These war crimes included torture, killings of prisoners of war and unarmed civilians, shelling civilian infrastructures such as hospitals, churches, schools and daycares and targeting medical teams and press personnel and usage of cluster munitions with white phosphorus against the civilian population of Artsakh.⁹

2.2. Azerbaijan's use of chemical weapons and cluster munitions

A preliminary investigation into Azerbaijan's violations of international law during the 44-Day war confirmed that Azerbaijani forces used white phosphorus and cluster munitions on civilians, the use of which in combat has been long banned, during its aggressive attacks on Artsakh's Martuni region.¹⁰

The use of chemical weapons is forbidden under the Article 35 of the Geneva Convention (Protocol 1) and Azerbaijan must be sanctioned similarly to Syria.

Azerbaijan also violated the UN Convention on Cluster Munitions (CCM) which prohibits under any circumstances the use and acquisition of cluster munitions.¹¹

2.3. Azerbaijan's (Aliyev's) violation of Armenia's sovereign territory

- 2.3.1. In May and November 2021, and in September 2022 Azerbaijan again launched a large-scale military attack this time against the Republic of Armenia from which it illegally seized 140 km² of sovereign Armenian territory. This egregious step is a blatant violation of the peaceful coexistence of neighbouring nations, international norms of inter-state relationships, international law and the rules-based international order. The September

⁹ Second interim report on the Azerbaijani atrocities against the Artsakh population; The Republic of Artsakh Human Rights Ombudsman; October 2020; https://www.mfa.am/filemanager/NKR_war_2020/nk_hr/3.pdf

¹⁰ White Phosphorus in Artsakh / Pt. 1: From the Front Line to the Operating Room; Filmed and directed by Fin dePencier; <https://www.youtube.com/watch?v=qjwzHkyGYQA>;

The Human Rights Defender of the Republic of Armenia; The use of incendiary ammunition of mass destruction (incendiary weapon) against civilian objects of Artsakh (nagorno-Karabakh) by the Azerbaijani armed forces; November 2020; <https://www.ombuds.am/images/files/ea04773e0fcf3a7e4dadb87e9b73d360.pdf>

¹¹ Convention on Cluster Munitions; <https://www.un.org/disarmament/convention-on-cluster-munitions/>

2022 offensive caused widespread devastation of civilian infrastructure and property of RoA, hundreds of unnecessary deaths, 7600 displaced people from their ancestral homes and several more prisoners of war (PoWs).

- 2.3.2. This captured territory includes strategically important heights that Azerbaijan is clearly planning to use in a subsequent military invasion with a final goal to completely seize Armenia's Syunik region, appropriating Armenia's sovereign territory and resources.¹² This military blackmail is used by President Aliyev to publicly demand the opening of a corridor outside of Armenian control cutting through the sovereign territory of Armenia. Aliyev publicly stated that the "Zangezur corridor" will be opened whether Armenia wants it or not.¹³
- 2.3.3. Days after the military invasion on the RoA, the pro-government Azerbaijani media promoted the formation of a "Goycha-Zangazur Republic" on the Armenian territory which was supported by Tural Ganjali, a member of Azerbaijan's parliament purporting to represent Stepanakert, the capital of the Republic of Artsakh.¹⁴ Yet Ganjali is not an elected official of Stepanakert which is solely inhabited by Armenians who have their own independent parliament and elected officials.
- 2.3.4. The Office of the director of National Intelligence of the United States confirmed in its February 2023 report that Azerbaijan is ready to use calibrated military pressure to advance its goals in talks with Armenia.¹⁵

2.4. The ongoing Genocide against the Armenians in the Republic of Artsakh

¹² Aliyev says Yerevan 'historically' Azerbaijani; December 25, 2022;
<https://oc-media.org/aliyev-says-yerevan-historically-azerbaijani/>

¹³ President Aliyev: Zangezur corridor will be opened whether Armenia wants it or not; Azemedia; January 1, 2023;
<https://aze.media/president-aliyev-zangezur-corridor-will-be-opened-whether-armenia-wants-it-or-not/>

¹⁴ The rise and fall of Azerbaijan's "Goycha-Zangazur Republic"; Eurasianet; Sep 22, 2022;
<https://eurasianet.org/the-rise-and-fall-of-azerbaijans-goycha-zangazur-republic>

¹⁵ The Office of the director of the National Intelligence of the United States; February 6, 2023;
<https://www.dni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf>

- 2.4.1. As of December 12th 2022, Aliyev took new steps in his program to ethnically cleanse the Armenians of the Republic Artsakh by blocking the Lachin corridor, the only route connecting the 120,000 Armenian population of Artsakh to the outside world through the RoA. Armenians call this "The Road of Life".¹⁶ The blockade is carried out by a group of Azerbaijanis pretending to be "eco-activists", along with uniformed Azerbaijani military servicemen. Basic supplies such as food, medicine, and humanitarian aid are being denied to a population of over 120,000 civilians, 30,000 of which are children.
- 2.4.2. On January 10, 2023, Aliyev said during an interview "For whoever does not want to become our citizen, the road is not closed, but open. They can leave. They can go on their own, or they can ride with [Russian] peacekeepers, or they can go by bus. The road [to Armenia] is open."¹⁷ Clearly the blockade is controlled by the Azerbaijani regime and is open only for those people who want to leave Artsakh.
- 2.4.3. Such acts are acts of Genocide, the whole as outlined by the Office of the UN Special Adviser on the Prevention of Genocide (OSAPG).¹⁸ This blockade is part of the broader genocidal atrocities committed by Azerbaijani leadership, as well as a continuation of the genocidal acts and pogroms against Armenians that started in 1988¹⁹. This new aggression is the beginning of a new phase of ethnically cleansing all Armenians from the region.
- 2.4.4. The Lemkin Institute of Genocide Prevention issued a genocide red flag and highlighted that the Azerbaijani state, and particularly Aliyev's regime, are solely responsible for the humanitarian crisis created blockade of the Lachine corridor.²⁰

¹⁶ <https://roadoflife.info>

¹⁷ What's next for the Azerbaijani blockade of Nagorno-Karabakh?; Open Democracy; January 25, 2023; <https://www.opendemocracy.net/en/odr/nagorno-karabakh-blockade-azerbaijan-armenia-citizenship/>

¹⁸ Office of the UN Special Adviser on the Prevention of Genocide(OSAPG); https://www.un.org/ar/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf

¹⁹ Armenian pogroms in Azerbaijan 1988-1990; <http://www.nkr.am/en/armenian-pogroms>

²⁰ Red Flag Alert for Genocide - Azerbaijan Update 6; <https://www.lemkininstitute.com/red-flag-alerts-1/red-flag-alert-for-genocide---azerbaijan-update-6?fbclid=IwAR1yEmUYEAKIxLI8htkpH1tiD9dS4WVkdLRozhmBfTsRA471xhiyTnWuzgY>

- 2.4.5. The Helsinki Commission also called out Azerbaijan on its moral responsibility for ensuring the welfare of Karabakh Armenians.²¹ Amnesty International²², Human Rights Watch²³, Genocide Watch²⁴, the European Disability Forum and International Disability Alliance²⁵, The Halo Trust²⁶, UNICEF²⁷ and the OSCE²⁸ also issued similar statements and explicitly condemned Azerbaijan for the Lachin Corridor blockade and for causing an ongoing humanitarian crisis.
- 2.4.6. On February 22, 2023, the International Court of Justice (ICJ) issued an Order summoning Azerbaijan to take all measures at its disposal to ensure the unimpeded movement of persons, vehicles, and cargo along the Lachin Corridor in both directions.²⁹ The ICJ's decision confirms once again that it is the Azerbaijani government that controls the blockade and which has created the ongoing humanitarian crisis.
- 2.4.7. On February 24, 2023, Genocide Watch published a report issuing a Genocide Emergency for Azerbaijan's ongoing blockade against the Armenian-populated region of Artsakh and urging the application of sanctions against Azerbaijan.³⁰

²¹ Helsinki Commission statement to reopen the Lachin corridor

<https://twitter.com/HelsinkiComm/status/1612832664221896708?t=7hSs3s7l1nOeD89zw9qF7g&s=19>

²² Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted; Amnesty International; February 9, 2023;

<https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/?fbclid=IwAR1XAzGnxBJTgqHHVSHcutxcxzGiR9Y40Gy3mZM7AUJlr7E26KVq2B4MVo>

²³ Azerbaijan: Nagorno-Karabakh Lifeline Road Blocked; December 21, 2022; HRW;

<https://www.hrw.org/news/2022/12/21/azerbaijan-nagorno-karabakh-lifeline-road-blocked>

²⁴ Genocide Watch statement on the need to reopen the Lachin corridor; January 2, 2023;

<https://www.facebook.com/104170307689/posts/pfbid0dgVnS1z7N7X9a1qJ1RK1AGKkyFEEH7hKK95zz1p7KJ5ee3ZVWRasiLCSzL7Pkxfl/?mibextid=Nif5o>

²⁵ European Disability Forum joint statement on the blockade of the Lachin Corridor; January, 18, 2023;

<https://www.edf-feph.org/joint-statement-on-the-blockade-of-the-lachin-corridor-nagorno-karabakh/>

²⁶ The Halo Trust statement on the ongoing Lachin Corridor blockade; January 5, 2023;

<https://www.halousa.org/latest/halo-updates/news/lachin-corridor-blockade-statement/>

²⁷ UNICEF statement to open the Lachin Corridor; December 30, 2022;

<https://www.unicef.org/armenia/en/press-releases/updated-unicef-regional-statement-ongoing-developments-around-lachin-corridor>

²⁸ OSCE Statement in Connection with the Tense Situation in the Lachin Corridor and Humanitarian Concerns; December 15, 2022;

<https://osce.usmission.gov/statement-in-connection-with-the-tense-situation-in-the-lachin-corridor-and-humanitarian-concerns/>

²⁹ International Court of Justice, February 22, 2023;

https://www.icj-cij.org/sites/default/files/2023-02/180-20230222-PRE-01-00-EN_2.pdf

³⁰ Genocide Emergency: Azerbaijan's Blockade of Artsakh; February 24, 2023; Genocide Watch;

<https://www.genocidewatch.com/single-post/genocide-emergency-azerbaijan-s-blockade-of-artsakh>

Genocide Watch noted that the blockade is a “clear attempt by the Azerbaijani government to starve, freeze, and ultimately expel Armenians from the region”.

- 2.4.8. The Lachin Corridor allows the passage of 400 tonnes products imported daily to Artsakh. Since the illegal Azerbaijani blockade, only about 10 tons of medicine and baby items were able to trickle through on behalf of the Red Cross. The Armenian population of Artsakh has been left with no more fresh fruits and vegetables, meats and other staple food items. As stated in the recent CNN article, potatoes have become a luxury³¹. The shortage of food in shops has led to widespread starvation in the region, with the government of Artsakh implementing emergency measures of rationing, and controlling the distribution of food and supplies to those most urgently in need.³² However, these measures are not enough and will not be able to sustain the population for much longer. Many children are suffering from malnutrition and lack of access to essential items.³³
- 2.4.9. According to the January 2023 Report by the Human Rights Defender of Artsakh, more than 11 children who are in intensive and neonatal care were unable to be transferred to Armenia for necessary care. A number of children suffering from heart and respiratory diseases registered in the national dispensary, who usually receive periodic examinations and treatments in medical institutions of the Republic of Armenia, have also been unequivocally blocked from the opportunity to receive this proper medical care for months. The constant electricity cut-offs in Artsakh only compound these challenges, making it impossible for hospitals and clinics to function properly, further exacerbating the health crisis for children and their families.³⁴

³¹ ‘Potatoes are a luxury’: Vital supplies dwindle as ‘eco-activists’ blockade a breakaway region guarded by Russia; January 12, 2023; CNN
<https://www.cnn.com/2023/01/12/europe/armenia-azerbaijan-nagorno-karabakh-lachin-intl/index.html?fbclid=IwAR3BoVtJUT4Imz4d305ZBEoev9NJkgP54RIkdTdTn8aqJu9RcXk88zxPttc>

³² Blackouts and food rationing as Karabakh blockade enters second month; January 12, 2023;
<https://eurasianet.org/blackouts-and-food-rationing-as-karabakh-blockade-enters-second-month>

³³ Artsakh Human Rights Defender report; January 2023;
<https://ombuds.am/images/files/8015e970b4e618c7e518be045acd382b.pdf>

³⁴ Azerbaijan Also Cuts Internet Connection to Artsakh; January 12, 2023; Asbarez;
<https://asbarez.com/azerbaijan-also-cuts-internet-connection-to-artsakh/>

- 2.4.10. The heightened European demand for Azerbaijani gas has only emboldened Baku.³⁵ As such, Azerbaijan continues its ethnic cleansing program of the Armenians of Artsakh with total impunity. The International Crisis Groups has concluded that Aliyev is planning another war against the Armenians of Artsakh.
- 2.4.11. Considering the above, Canada is justified in implementing arms embargo sanctions against Azerbaijan, and asset and financial sanctions against its President Ilham Aliyev and his family members as a countermeasure to the ongoing genocide and continuous human rights violations committed by Aliyev and his regime. This is of particular importance should Canada wish to uphold its historically acclaimed human rights protection role and to act in harmony with the other SEMA sanctions Canada has currently imposed in similar cases of grave breaches of international peace and security.

³⁵ Averting a New War between Armenia and Azerbaijan; International Crisis Group; January 30, 2023; <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/266-averting-new-war-between-armenia-and-azerbaijan>

3. Aliyev and his regime have committed, endorsed and facilitated gross and systematic human rights violations (s. 4 (1.1) (c) SEMA and s. 4 (2) (a) Sergei Magnitsky Law)

3.1. Illegal detentions and killings of Armenian prisoners of war (POWs)

- 3.1.1. The trilateral ceasefire statement was signed by Armenia, Azerbaijan and Russia on November 9, 2020, providing, *inter alia*, for a mutual return of prisoners of war, hostages and other detainees, between Armenia and Azerbaijan.³⁶ Notwithstanding the Ceasefire Statement signed by Aliyev, the latter continues to illegally hold more than 113 Armenian prisoners of war captive. Even Azerbaijan admits to still holding 33 PoWs although it baselessly denies that 113 POWs are being held. Yet, these numbers have been confirmed by lawyer representing these POWs, Siranush Sahakyan.³⁷
- 3.1.2. Aliyev's actions are also in stark violation of Article 118 of the Geneva Convention III relative to the Treatment of Prisoners of War which stipulates that "Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities".³⁸ Aliyev has also violated the provisions laid out in Articles 3 and 4 of the Geneva Convention IV³⁹, Articles 2, 6, 7 and 10 of the International Covenant on Civil and Political Rights⁴⁰, and Articles 2 and 3 of the European Convention on Human Rights⁴¹. Armenia, on the other hand, has returned all Azerbaijani PoWs, as per its undertaking.

³⁶The ceasefire statement; Press Release, November 10, 2020;

<https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/>

³⁷ Azerbaijan confirmed holding 33 PoWs in Azerbaijan, but the real number is 113; BBC; March 10, 2023;

https://www.bbc.com/russian/news-64886810?fbclid=IwAR2qyqeb2RxmrGOY0ZxrBu4GliaeRvBv3L_boApo4oJmGhq3_sCAJ3h3U

³⁸ Geneva Convention Relative to the Treatment of Prisoners of War (Third Geneva Convention);

<https://www.refworld.org/docid/3ae6b36c8.html>;

³⁹ Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949;

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

⁴⁰ International Covenant on Civil and Political Rights;

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁴¹ European Convention on Human Rights; https://www.echr.coe.int/documents/convention_eng.pdf

- 3.1.3. Not only is Aliyev illegally holding these individuals captive, but his regime is also subjecting them to torture and cruel and degrading treatment, as appears from the testimony of those Armenian POWs who were able to return home to date.
- 3.1.4. On March 19, 2021 Human Rights Watch reported that PoWs who returned from Azerbaijan reported having been subject to severe torture and cruel and degrading treatment in the hands of Aliyev's officials when they were captured, during their transfer, or while in custody at various detention facilities.⁴² The Center for Truth and Justice also published a white paper on the mistreatment and torture of the returned Armenian POWs after conducting extensive interviews with them.⁴³
- 3.1.5. One of the returned PoWs said that after his compatriots and himself were wounded and captured during the war, they were transferred to a military police station in Baku, Azerbaijan's capital, where they were continuously beaten. He was kicked and punched in the head, hit with slabs of wood and sustained serious wounds to his head and eyes which were swollen shut. Azerbaijani servicemen threatened to kill him. He added "The military police did not interrogate us; they only beat us. On the first day, they chained my hands to the heating system, and I remained in that position, seated on the floor, throughout the whole night. I was not able to sleep because of the pain. My face, my eye, and my knee ached. They had hit my knee a lot, and it was swollen."⁴⁴
- 3.1.6. On October 2, 2022, official reports by Human Rights Watch confirmed that more than 7 new Armenian POWs captured from Armenian sovereign soil were brutally killed by Azerbaijani forces⁴⁵. On October 3, 2022 the Honorable

⁴² Azerbaijan: Armenian POWs Abused in Custody; March 19, 2021;

<https://www.hrw.org/news/2021/03/19/azerbaijan-armenian-pows-abused-custody>

⁴³ Initiating an Investigation: White Paper on Azerbaijan's Torture and Mistreatment of Armenian Prisoners of War (POWs) During and After the 2020 Nagorno-Karabakh War; CFTJ; September 2021;

<https://www.cftjustice.org/wp-content/uploads/2022/07/White-Paper-On-Azerbaijani-Torture-of-Armenian.pdf>

⁴⁴ 'They Chained Me to a Radiator and Beat Me': Armenian POWs Speak Out; Vice; April 26, 2021;

<https://www.vice.com/en/article/akgdgk/armenia-azerbaijan-prisoners-of-war-nagorno-karabakh>

⁴⁵ Video Shows Azerbaijan Forces Executing Armenian POWs; HRW; October 14, 2022;

<https://www.hrw.org/news/2022/10/14/video-shows-azerbaijan-forces-executing-armenian-pows>.

Massacre on the border: Could allegations of an Azerbaijani war crime in September derail Karabakh peace efforts?; BBC; December 20, 2022;

Melanie Joly tweeted that the reports of Azerbaijani soldiers executing Armenian PoWs are deeply disturbing and the perpetrators must be held accountable.⁴⁶

- 3.1.7. Once again, Aliyev's regime continued to violate international law and commit war crimes without any sanctions. Even more disturbing, Azerbaijani army servicemen openly and proudly disseminate online videos of war crime showing the torture, mutilation, inhuman treatment, beheadings and killings of Armenian PoWs and civilians.⁴⁷
- 3.1.8. Aliyev and Azerbaijan have been the subject of numerous call to actions to return all Armenian POWs and detainees notably by the Committee of Ministers of the European Union on 28 April 2021,⁴⁸ and by the the Parliamentary Assembly of the Council of Europe Monitoring Committee on 22 April 2021⁴⁹.
- 3.1.9. In fact, on May 6, 2021, when the Canadian Government welcomed the release of 3 Armenian PoWs from Azerbaijan's captivity and urged the latter to the release all detainees,⁵⁰ President Aliyev simply replied by dismissing and insulting the Canadian Ministry of Foreign Affairs stating : "What does Canada think it is? They should mind their own business".⁵¹
- 3.1.10. Given the lack of economic sanctions, these calls have simply been dismissed and have continued to fall on deaf ears.
- 3.1.11. Azerbaijan's belligerence, and its treatment of POWs and detained civilians in violation of the Geneva Conventions, orchestration of the ongoing genocide in

<https://bbcrussian.substack.com/p/massacre-border-azerbaijan-armenia-karabakh?fbclid=IwAR0BffiOvb2DgsW5nlTbOzbPDSX8jvh663OvEe87SI7uT-plmPaUcCB0lWY>

⁴⁶ <https://twitter.com/melaniejoly/status/1577115170991591424?lang=en>

⁴⁷ <https://azeriwarcrimes.org>

⁴⁸ EU Statement on captives from the recent conflict between Armenia and Azerbaijan; April 28, 2021; https://www.eeas.europa.eu/delegations/council-europe/eu-statement-captives-recent-conflict-between-armenia-and-azerbaijan_en

⁴⁹ PACE, Statement by the Monitoring Committee on the conflict between Armenia and Azerbaijan; April 22, 2021; https://pace.coe.int/en/news/8279/statement-by-the-monitoring-committee-on-theconflict-between-armenia-and-azerbaijan?fbclid=IwAR3OFCuYlbchGa4Lcx4u1OZf5Vlx1nIRqRh_Eya8M-HHN0hC559wU2-SXY

⁵⁰ Foreign Policy CAN; May 6, 2021; <https://twitter.com/canadafp/status/1390401047496101891?s=12&t=PahuSsAUP7N6NYXgvM-iKA>

⁵¹ President Aliyev Slams Canada and France over Demands for Release of Armenian Terrorists; Caspian News; May 13, 2021; <https://caspiannews.com/news-detail/president-aliyev-slams-canada-and-france-over-demands-for-release-of-armenian-terrorists-2021-5-11-58/>

Artsakh, and numerous other human rights violations, constitute solid grounds to impose sanctions under SEMA.

3.2. Gross human rights violations inside Azerbaijan

Azerbaijan and Aliyev's regime hold one of the worst human rights abuses ranking in the world. The imprisonment of human rights activists⁵² and political opponents who are against Aliyev's family dictatorship and corrupt regime is a common practice in the country. Here are but a few examples of such human rights violations in Azerbaijan:

3.2.1. Human Rights Abuses.

- 3.2.1.1. The Aliyev regime has been accused of widespread human rights abuses, including arbitrary detention⁵³, torture⁵⁴, and restriction of freedom of speech, press⁵⁵, and assembly.⁵⁶
- 3.2.1.2. As consistently reported by Human Rights Watch, the space for independent activism, critical journalism, and opposition political activity has been virtually extinguished as activists, human rights defenders, and journalists continue to be arrested and jailed.⁵⁷ The Azerbaijani government does not tolerate peaceful critics and has imprisoned dozens of them. The crackdown on civil society is an ongoing practice in Azerbaijan.
- 3.2.1.3. One example is Azerbaijani blogger Mirzali Mahammad who publicly blames the Baku regime, and especially President Aliyev, of corruption

⁵² Azerbaijan: Freedom Now Condemns Detention of Activist Bakhtiyar Hajiyev; February 2, 2023; Freedom Now; <https://www.freedom-now.org/azerbaijan-freedom-now-condemns-detention-bakhtiyar-hajiyev>

⁵³ Azerbaijani photojournalist Vali Shukurzade sentenced to 30 days in jail; Committee to Protect Journalists; February 15, 2023;

<https://cpj.org/2023/02/azerbaijani-photojournalist-vali-shukurzade-sentenced-to-30-days-in-jail/>

⁵⁴ Azerbaijani journalists detained, beaten for covering protest; Committee to Protect Journalists; February 15, 2022; <https://cpj.org/2022/02/azerbaijani-journalists-detained-beaten-for-covering-protest/>

⁵⁵ Forensic tools open new front for using phone data to prosecute journalists; Committee to Protect Journalists; December 19, 2022;

<https://cpj.org/2022/12/forensic-tools-open-new-front-for-using-phone-data-to-prosecute-journalists/>

⁵⁶ Committee to Protect Journalists; 2023; <https://cpj.org/europe/azerbaijan/>

⁵⁷ HRW; <https://www.hrw.org/europe/central-asia/azerbaijan>

and who has linked the Azerbaijani state oil company (known as SOCAR) to terrorism.⁵⁸

On 14 March 2021, Mirzali was stabbed more than ten times after which he was threatened via text message in Azerbaijani that this was his "last warning".⁵⁹ On 2 June 2021, Mahammad declared on Twitter that he felt his death approaching, as thugs had broken into his car and tried to storm his apartment. He had previously been shot multiple times in October 2020, months after he received a Facebook message from the Deputy Speaker of the Azerbaijani Parliament, stating: "If you don't shut up, you'll see what happens to you." His situation bears striking similarities with that of Jamal Khashoggi, whose murder led to the imposition of Canadian sanctions.⁶⁰

3.2.2. Repression of Political Dissent.

- 3.2.2.1. The Azerbaijani government also consistently suppresses political dissent, including through the arrest and imprisonment of opposition leaders.
- 3.2.2.2. Amnesty International reported that in December 2021 police used excessive force and violently broke up peaceful rallies demanding the release of the opposition politician Saleh Rustamli. Opposition activist Tofig Yagoubli was also arrested and then hospitalized with serious injuries.⁶¹
- 3.2.2.3. The government critic Huseyn Abdullayev also remains in prison, in spite of UN human rights experts demanding his immediate release. Another opposition activist, Niyameddin Ahmedov, was sentenced to

⁵⁸ <https://www.youtube.com/@MahammadMirzali/community>

⁵⁹ La vie dans l'ombre de Mahammad Mirzali, réfugié azéri le plus menacé de France; Le Figaro; January 31, 2023; <https://www.lefigaro.fr/international/la-vie-dans-l-ombre-de-mahammad-mirzali-refugie-azeri-le-plus-menace-de-france-20230131>

⁶⁰ Canada imposes sanctions on individuals linked to murder of Jamal Khashoggi; <https://www.canada.ca/en/global-affairs/news/2018/11/canada-imposes-sanctions-on-individuals-linked-to-murder-of-jamal-khashoggi.html>

⁶¹ <https://www.amnesty.org/en/location/europe-and-central-asia/azerbaijan/report-azerbaijan/>

13 years imprisonment for sedition and financing terrorism on apparently politically motivated charges.⁶²

3.2.2.4. On February 20, 2023, the Helsinki Commission published a statement on Azerbaijani political prisoner Bakhtiyar Haliyev expressing its absolute appallment at his continued unwarranted detention and mistreatment. Mr Haliyev is imprisoned on trumped up charges and is facing a precipitous decline in his health as he continues his hunger strike. His sentencing by the Azerbaijani regime is not only completely disproportionate to the allegations raised against him, but also not the first time he has been harassed, detained, and subjected to abuse as a result of his legitimate activism.⁶³ Haliyev's private messages and personal and intimate conversations with others were also leaked online by the government of Azerbaijan, as an apparent punitive measure against Haliyev for his hunger strike.⁶⁴

3.2.2.5. Under the Sergei Magnitsky Law, Canada has the ability, and should take action in order to sanction the foreign nationals who, acting for the government of Azerbaijan are "responsible for, or complicit in, extrajudicial killings, torture or other gross violations of internationally recognized human rights committed against individuals in any foreign state who seek [...] to obtain [or] exercise (...) internationally recognized human rights and freedoms" (s. 4 (2) (a) (iii) Magnitsky Law).

3.2.3. Election Irregularities.

3.2.3.1. The current president of Azerbaijan, Ilham Aliyev has been in power since 2003 and the repression of political opposition groups, civil society, and media is a mainstream practice used to keep his current regime in power. Azerbaijan has been criticized for irregularities and

⁶² Azerbaijani Activist Sentenced To 13 Years In Prison On 'Absurd' Terrorism Charges; Radio Free Europe; October 08, 2021; <https://www.rferl.org/a/azerbaijan-opposition-jailed/31499581.html>

⁶³ Helsinki Commission chair and co-chair: Statement on Bakhtiyar Haliyev; February 20, 2023; <https://www.csce.gov/international-impact/press-and-media/press-releases/helsinki-commission-chair-and-co-chair-statement>

⁶⁴ Intimate footage of imprisoned Azerbaijani activist leaked; OC Media; February 27, 2023; <https://oc-media.org/intimate-footage-of-imprisoned-azerbaijani-activist-leaked/>

significant procedural violations in its election processes, including ballot count, vote rigging and manipulation of the media. As stated by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the restrictive legislation and political environment prevents genuine competition. The elections in Azerbaijan's parliament lack competition and choice.⁶⁵ The traditional media, such as TV and newspapers, is heavily controlled by the government and many independent candidates can only use social media in order to try to reach voters. There are little to no political debates in public and most election campaigns are devoid of political engagement.

3.2.3.2. The Azerbaijani oligarchic system is based on cronyism, nepotism, clientelism, high-level corruption and personal loyalty rather than the rule of law. In fact, high-level oligarchs are immune from legal prosecution.⁶⁶

3.2.3.3. The judicial system is under the control of the government leaving no opportunities for human rights activists to act freely, not to mention Azerbaijan's lack of comprehensive legislation protecting LGBTQ+ and minority rights.⁶⁷

3.2.4. Violations of Media Freedom.

3.2.4.1. Azerbaijan has been accused of restricting press freedom and of media censorship, including the harassment and imprisonment of journalists. It holds one of the worst press freedom ratings worldwide, ranked 154/180 countries as reported by Reporters without Borders.⁶⁸ This is the same rating as Russia after the war on Ukraine.

3.2.4.2. In February 2022, President Aliyev enacted a new media law, in order to increase state control of the press. This new law requires media

⁶⁵ Despite large number of candidates, Azerbaijan elections lacked genuine competition and choice, international observers say; February 10, 2020, OSCE; <https://www.osce.org/odihr/elections/azerbaijan/445762>

⁶⁶ BTI Transformation Index; Azerbaijan Country Report 2022; <https://bti-project.org/en/reports/country-report/AZE>

⁶⁷ ILGA-Europe – the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association report on Azerbaijan; <http://rainbow-europe.org/#8622/0/0>

⁶⁸ <https://rsf.org/en/index>

outlet owners and directors to be Azerbaijani citizens and be permanently residing in the country if their outlets target Azerbaijani audiences. As the Committee to Protect Journalists has documented, many independent Azeri journalists working from exile and publishing their work on social media could now be targeted under the new law.⁶⁹ Members of the press should not be limited by their place of residency nor face charges in retaliation for their legitimate journalistic work.

3.2.5. Violations of Workers' Rights

Azerbaijan has been accused of violating workers' rights, including forced labor in the country's oil, construction and gold mining industries which are owned and operated by the ruling elite. The company AIMROC, which is owned by Aliyev's Panama company (Londex Resources S.A.), operates a gold mine in Chovdar, Azerbaijan where residents were forced into providing free labour. The mine employees, who were many Chovdar village residents, were never paid for their work, and could not be employed under the Azerbaijani law for around two years after they were put on leave.⁷⁰

3.2.6. Ethnic and Religious Discrimination.

- 3.2.6.1. The state-sponsored Armenophobia is widespread in Azerbaijan, both in the rhetoric from top-ranking Azerbaijani officials to educational materials disseminated in schools. Numerous anti-Armenian statements are even published on President Aliyev's official webpage, such as: *"If you do not want to die, then get out of Azerbaijani lands. [...] We must and we do wage a more active struggle with Armenia. We have isolated it from all international and regional projects."*⁷¹
- 3.2.6.2. In 2005 at a meeting with a municipal delegation from Bavaria, Germany, the Mayor of Baku, Hajibala Abutalybov, declared: "Our goal

⁶⁹ New Azerbaijan media law increases restrictions on the press; Committee to Protect Journalists; February 10, 2022; <https://cpj.org/2022/02/new-azerbaijan-media-law-increases-restrictions-on-the-press/>

⁷⁰ Azerbaijan's President Awarded Family Stake in Gold Fields; OCCRP; May 2012; <https://www.occrp.org/en/investigations/1495-azerbajians-president-awarded-family-stake-in-gold-fields>

⁷¹ "Ilham Aliyev chaired the meeting of the Cabinet of Ministers dedicated to the results of socioeconomic development in the first quarter of 2015 and objectives for the future", President.az, April 10, 2015; <http://en.president.az/articles/14805>

is the complete elimination of Armenians. You, Nazis, already eliminated the Jews in the 1930s and 40s, right? You should be able to understand us.”⁷²

- 3.2.6.3. At the congress of the New Azerbaijan party in February 2018, President Aliyev said that “Yerevan (the capital of Republic of Armenia) is our historic land and we, Azerbaijanis, must return to these Azerbaijani lands”⁷³ and he frequently repeats these baseless claims⁷⁴.
- 3.2.6.4. Armenophobia is also included in Azerbaijani school curricula⁷⁵ where Armenians are portrayed as blood enemies, dangerous, evil, and thieves that must be killed, even depicting images of Azerbaijani children axing Armenian servicemen⁷⁶. In a 5th Grade Literature Book Armenians are portrayed as “bad” and “lying” thieves.⁷⁷ Canada has officially recognized the Armenian Genocide committed by the Ottoman Empire Turks, meanwhile Azerbaijan officially denies this historical fact and instead portrays Armenians as attackers.
- 3.2.6.5. Hate speech by high ranking political leaders of Azerbaijan coupled with racist and xenophobic acts carried out by different individuals and organizations, highlight the widespread xenophobia and Armenophobia prevalent in Azerbaijan as a state.
- 3.2.6.6. Azerbaijan has consistently violated its obligations under articles 4 and 7 of CERD and other international instruments prohibiting discrimination against minority groups.⁷⁸
- 3.2.6.7. This state-sponsored anti-Armenian xenophobia and hatred also increases the divide between Armenia and Azerbaijan, and is directly threatening peace in the Southern Caucasus.

⁷² “The Caucasus: Frozen Conflicts and Closed Borders”; p. 50; United States Government Printing Office; June 18, 2008; <https://www.govinfo.gov/content/pkg/CHRG110hhrg43066/pdf/CHRG-110hhrg43066.pdf>

⁷³ Azerbaijan President Calls for Return to “Historic Lands” in Armenia, Eurasianet; February 13, 2018; <https://eurasianet.org/azerbaijan-president-calls-for-return-to-historic-lands-in-armenia>

⁷⁴ <https://oc-media.org/aliyev-says-yerevan-historically-azerbaijani/>

⁷⁵ Armenophobia in the Textbooks Used in Azerbaijan <http://azerichild.education/en/index.html>

⁷⁶ <https://twitter.com/ArmenophobiaOrg/status/1598156500530520064?s=20>

⁷⁷ <http://azerichild.education/en/index.html>

⁷⁸ Armenophobia in Azerbaijan organized hate speech & animosity towards Armenians; The office of ombudsman of the Republic of Artsakh; 2018; <https://artsakhombuds.am/sites/default/files/2019-12/Armenophobia-in-Azerbaijan-1.00-Interactive-25.09.2018.pdf>

3.2.7. The Azerbaijani museum promoting human suffering and racism in Azerbaijan

- 3.2.7.1. Elnur Mammadov, Deputy Minister of Foreign Affairs of Azerbaijan, reported to the UN Committee on the Elimination of Racial Discrimination that to combat racist hate speech, the law on information was amended, prohibiting users of networks, including social media, from distributing any content promoting violence and religious extremism, or inciting national, racial or religious hatred. Azerbaijan also continued to promote human rights education, including raising awareness on the importance of combating discrimination and promoting tolerance.
- 3.2.7.2. In 2021, the Aliyev regime opened the “Trophy Park”, an exhibition park promoting and glorifying the killings of Armenians and the inhumane treatment towards Armenian PoWs. President Aliyev was pictured proudly posing in front of rows of helmets belonging to Armenian servicemen killed by his regime in 2020. He promoted the Park by further denigrating all Armenians, stating that they are “barbarians who dig graves to steal golden teeth from the dead”.⁷⁹ Aliyev shamelessly continues to spread hatred and specifically target Armenians as an entire ethnic group.
- 3.2.7.3. Aliyev’s regime published videos and photos of the “Trophy Park” clearly designed to further increase and encourage hatred and animosity towards the population of Armenia and Artsakh and to humiliate the memory of the victims of the war.⁸⁰
- 3.2.7.4. The Trophy Park is but another clear demonstration of Azerbaijani Armenophobia and the state-sponsored hatred towards Armenians which is emboldening and glorifying Azerbaijani war crimes committed against Armenians. In November 2020, the Human Rights Defender’s office in Armenia published a comprehensive report with detailed

⁷⁹ <https://president.az/az/articles/view/51067>

⁸⁰ A park of killed Armenian soldiers and chains prisoners of war opened in Baku: a museum of human sufferings and promotion of racism; 2021;
<https://www.ombuds.am/images/files/96e6d55d169a784b6424e4d565b29dba.pdf>

examples demonstrating the state-sponsored Armenophobia which continues in Azerbaijan to this day.⁸¹

3.3. Rewarding war criminals for killing Armenians

Azerbaijani government officials not only spread anti-Armenian hatred, but also reward war criminals for beheading Armenian civilians and servicemen. Here are a few worrying examples:

- Kamil Zeynalli, an Azerbaijani blogger with more than 1 million followers, beheaded an Armenian elderly civilian during the 2020 Artsakh war and received a medal for this barbaric act from the Aliyev administration.⁸²
- Ibad Huseynov, a colonel of the Azerbaijani army was named a national hero by the Aliyev regime. He is known for posing with a decapitated Armenian head in the 1st Artsakh war of 1991.⁸³
- The serviceman who beheaded Yazidis soldier Qyaram Sloyan, received a reward from President Aliyev.⁸⁴
- Ramil Safarov, an Azerbaijani army officer, decapitated an Armenian officer in his sleep during a NATO sponsored training seminar in Budapest. After being extradited to Azerbaijan, he was pardoned and received numerous rewards by President Aliyev.⁸⁵

Instead of persecuting them, Azerbaijani President Aliyev glorifies war criminals and promotes Armenophobia as long as their illegal and inhumane actions are directed towards Armenians.

⁸¹ Organized hate speech and animosity towards ethnic Armenians in Azerbaijan as root causes of ethnically-based torture and inhuman treatment; November 2020;

<https://ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>

⁸² <https://twitter.com/ZartokMedia/status/1358133960610435072>;

<https://twitter.com/Armbreakingnews/status/1484943579898335241>

⁸³ Azerbaijan Awards “National Hero” Title to Officer Who Posed With Severed Head in First Karabakh War; Civilet; February 8, 2021;

<https://www.civilnet.am/en/news/474577/azerbaijan-awards-national-hero-title-to-officer-who-posed-with-severed-head-in-first-karabakh-war/>

⁸⁴ https://twitter.com/ANZHELA_YAN/status/1386820461451956224

⁸⁵ European Court Says Azerbaijan Wrong To Release Man Who Killed Armenian; May 26, 2020;

<https://www.rferl.org/a/european-court-says-azerbaijan-wrong-to-release-man-who-killed-armenian/30635414.html>

4. Aliyev, his immediate family members and regime officials are responsible for or complicit in ordering, controlling or otherwise directing significant acts of corruption (s. 4 (1.1) (d) SEMA)

4.1. Corruption and the Azerbaijani Laundromat

- 4.1.1. According to Transparency International's corruption ranking, Azerbaijan is one of the worst ranked countries in the world with vicious cycles of corruption and authoritarianism, undermining democratic processes and restricting media freedom.⁸⁶
- 4.1.2. In 2017, the Danish newspaper Berlingske revealed the largest money laundering scandal in Europe to date, known as the "Azerbaijani Laundromat", involving an Estonian bank later purchased by the Danske Bank. Through a complex money laundering scheme, \$2.9 billion was funneled out of Azerbaijan by its ruling elite into 4 shell companies registered in the United Kingdom. While Danske Bank had to answer for these crimes, so far the Azerbaijani government has not been held accountable.⁸⁷
- 4.1.3. In September 2017, the Organized Crime and Corruption Reporting Project revealed that the Azerbaijani money-laundering scheme was used to bribe politicians worldwide and whitewash Azerbaijan's reputation. The beneficiaries of these funds were European politicians and several members of the Council of Europe's parliamentary assembly⁸⁸, including Italian deputy Luca Volonte, German MPs Karin Strenz and Eduard Lintner, Belgian MP Alain Destexhe and Slovenian MP Zmago Jelinčič Plemeniti. In return for these funds, the latter became staunch defenders of Azerbaijan regardless of its gross human rights violations. Another beneficiary was former CNN producer Eckhart Sager who

⁸⁶ https://images.transparencycdn.org/images/Report_CPI2022_English.pdf

⁸⁷ <https://kyc-chain.com/the-azerbaijani-laundromat/>

⁸⁸ <https://theshiftnews.com/2019/06/29/with-friends-like-azerbaijan/>

received 2 million Euros in bribes. Yaqub Eyyubov, the press secretary to President Aliyev also received payments from the laundromat.⁸⁹

- 4.1.4. After an internal investigation, the Parliamentary Assembly of the Council of Europe passed resolution 2279 in which it highlighted that the Azerbaijani Laundromat funds often came from wealthy businessmen and other individuals closely associated with the highest levels of government, including family members of government ministers and of President Aliyev. This money was used to bribe Parliamentary Assembly members. As a result, five former members were sanctioned and banned from the Assembly, yet the two Azerbaijani parliamentarians who were most deeply involved – Elkhan Suleymanov and Muslum Mammadov – were not subjected to any form of sanctions from Azerbaijan.⁹⁰
- 4.1.5. In February 2022, a member of the Azerbaijani parliament and chair of the UK-Azerbaijan all-parliamentary cooperation committee Javanshir Feyziyev and his family members were ordered by a UK judge to hand over £5.6M of suspect funds they brought into the UK via the the Azerbaijani laundromat.⁹¹. Once again this MP has faced no prosecution from Azerbaijan, given the authoritarian dictatorship regime in place which is tightly controlled by the ruling elite.
- 4.1.6. The Azerbaijani ruling elite's criminal activities, including international corruption and bribery, the misappropriation of public assets and the extraction of natural resources for personal gain cannot simply be overlooked by Canada in favor of Azerbaijan's status as an oil exporting country.

⁸⁹ Azerbaijan's High-Profile Beneficiaries; OCCRP;

<https://www.occrp.org/en/azerbaijanilaundromat/azerbaijans-high-profile-beneficiaries>

⁹⁰ Laundromats: responding to new challenges in the international fight against organised crime, corruption and money laundering; Parliamentary Assembly; Resolution 2279;

<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=27674&lang=en>

⁹¹ Azerbaijan 'laundromat' – court orders family to hand over £5.6m brought into UK; The Guardian, February 1, 2022;

<https://amp.theguardian.com/business/2022/jan/31/azerbaijan-laundromat-court-orders-family-to-hand-over-56m-brought-into-uk>

4.2. Distributing Russian gas despite the sanctions imposed on Russia under the United Nations Act

Azerbaijan is a trusted Russian partner and renewed its gas imports from Russia in the wake of the worldwide sanctions imposed on Russia. In fact, through its actions Azerbaijan has allowed Russia to circumvent these sanctions by enabling the supply of Russian gas to Europe through Azerbaijan. On November 18, 2022 Gazprom Russia announced that they will supply up to one billion cubic meters of gas to Azerbaijan this winter.⁹² And the exports to Europe through the Southern Gas Corridor are planned to reach 10 billion cubic meters this year.⁹³

The Azerbaijan-EU gas deal has been heavily criticized by human rights groups who have highlighted that such deals simply further embolden Aliyev's dictatorial regime of corruption, repression and abuse, which has remained in power for over 20 years.

As indicated by Philippe Dam, EU director at Human Rights Watch, Azerbaijan uses its oil and gas "to silence the EU on fundamental rights issues".⁹⁴

⁹² Gazprom could supply up to 1 bcm of gas to Azerbaijan this winter; November 18, 2022; <https://interfax.com/newsroom/top-stories/85105/>

⁹³ Azerbaijan's Russian gas deal raises uncomfortable questions for Europe; Eurasianet; November 22, 2022; <https://eurasianet.org/azerbajjans-russian-gas-deal-raises-uncomfortable-questions-for-europe>

⁹⁴ Human rights groups criticise EU's Azerbaijan gas deal; The Guardian; July 19, 2022; <https://www.theguardian.com/world/2022/jul/19/human-rights-groups-criticise-eus-azerbaijan-gas-deal>

5. Conclusion

In light of the above, Global Affairs Canada should apply sanctions on Azerbaijan and its government officials under the Special Economic Measures Act and the Sergei Magnitsky Law.

Canada should apply sanctions on the following individuals involved in corruption, bribery, criminal activity and human rights violations:

- President Aliyev;
- Mr Elkhan Suleymanov⁹⁵
- Mr Muslum Mammadov⁹⁶
- Mr Javanshir FEYZIYEV⁹⁷
- Mr Yagub Abdulla oghlu Eyyubov⁹⁸
- Mr Emil Aliyev⁹⁹
- Mr Ali Naghiyev and his sons Ilham and Ilgar¹⁰⁰
- Mr Yaqub Eyyubov and his son Emin Eyyubov¹⁰¹
- Mr Fizuli Alakbarov and his daughters Nigar and Gunel¹⁰²
- Mr Rovnag Abdullayev¹⁰³
- Mr Kamaladdin Heydarov¹⁰⁴ (Minister of Emergency Situations of Azerbaijan)
- Mr Tural Ganjali (a member of Azerbaijan's parliament purporting to represent Stepanakert)

⁹⁵ <https://pace.coe.int/en/members/6679/suleymanov>

⁹⁶ <https://pace.coe.int/en/members/7523/mammadov>

⁹⁷ <https://pace.coe.int/en/members/8185/fezyiyev>

⁹⁸ What is a Laundromat?; <https://www.occrp.org/en/azerbaijanilaundromat/what-is-a-laundromat>

⁹⁹ The Core Companies; September 4, 2017;

<https://www.occrp.org/en/azerbaijanilaundromat/the-core-companies-of-the-azerbaijani-laundromat>

¹⁰⁰ The Corruption Fighter's Hidden Empire;

<https://www.occrp.org/en/azerbaijanilaundromat/the-corruption-fighters-hidden-empire>

¹⁰¹ **WHERE DID THE MONEY GO?** <https://www.occrp.org/en/azerbaijanilaundromat/profiles/>

¹⁰² <https://www.occrp.org/en/azerbaijanilaundromat/profiles/improtex-group>

¹⁰³ Son of Longtime Azerbaijani Oil Official Owns Luxurious London Flat Worth Over \$20 Million; January 31, 2023; <https://www.occrp.org/en/investigations/son-of-longtime-azerbaijani-oil-official-owns-luxurious-london-flat-worth-over-20-million>

¹⁰⁴ Pilatus: A Private Bank for Azerbaijan's Ruling Elite; April 23, 2018;

<https://www.occrp.org/en/thedaphneproject/pilatus-a-private-bank-for-azerbaijans-ruling-elite>;

How an Authoritarian Regime Infiltrated a Government in the Heart of Europe; March 29, 2021;

<https://www.vice.com/en/article/qjp74b/azerbaijan-lobbying-germany-angela-merkel-ilham-aliyev>

These sanctions are completely coherent with those Canada has imposed in similar cases, as outlined below:

- Sanctions relating to Russia's violation of the sovereignty and territorial integrity of Ukraine and grave human rights violations that have been committed in Russia.¹⁰⁵ With the Russian sanctions, Canada demonstrated that it can take restrictive measures on authoritarian states who are committing war crimes, launching illegal wars and violating basic human rights. Such sanctions are just as necessary and must be applied on Azerbaijan.
- Sanctions relating to Belarus in response to the gross and systematic human rights violations committed in Belarus, specifically in relation to widespread irregularities in presidential elections, suppression of anti-government protests, arbitrary detentions, and the excessive use of force against peaceful protestors.¹⁰⁶
- Sanctions relating to China's gross and systematic human rights violations in the Xinjiang Uyghur Autonomous Region.¹⁰⁷ This case has striking similarities with the Azerbaijani egregious human rights violations and the humanitarian crisis it has created in the Republic of Artsakh.
- Sanctions relating to Sri Lanka's government officials for systematic violations of human rights, erosion of democracy, including impunity for state officials.¹⁰⁸
- Sanctions on Syria mainly for the use of chemical weapons. The sanctions applied include arms embargo, asset freezes, export and import restrictions, technical assistance and financial prohibitions.¹⁰⁹ As outlined above, Azerbaijan has also used illegal chemical weapons and white phosphorus against the Armenians of Artsakh and must be sanctioned similarly to Syria.

¹⁰⁵ Canadian Sanctions Relating to Russia and Ukraine;

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/russia-ussie.aspx?lang=eng

¹⁰⁶ Canadian Sanctions Relating to Belarus;

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/belarus.aspx?lang=eng

¹⁰⁷ Canadian Sanctions Relating to China;

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/china-chine.aspx?lang=eng

¹⁰⁸ Canadian Sanctions Relating to Sri Lanka;

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/sri_lanka.aspx?lang=eng

¹⁰⁹ Canadian Sanctions Relating to Syria;

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/syria-syrie.aspx?lang=eng

- Sanctions relating to Nicaragua's systematic human rights violations under the direction of President Daniel Ortega.¹¹⁰
- On September 23, 2022, Canada strongly condemned the reprehensible detention and apparent killing of Mahsa Amini, a young Kurdish-Iranian woman who died while in custody of Iran's Morality Police. Canada further condemned Iran's violent crackdown against civilian protestors and its use of force against its own citizens and imposed sanctions on specific individuals.¹¹¹

Despite repeated calls from the international community condemning Azerbaijan for its illegal actions against the Armenians of Artsakh, and most recently calling on Azerbaijan to unblock the Lachin corridor, including resolutions and statements passed by the European Parliament,¹¹² Canadian Members of Parliament, the Quebec Government¹¹³, and the Canadian Standing Committee on Foreign Affairs and International Development¹¹⁴ Azerbaijan has taken no steps to end the Lachin corridor blockade nor allow the Armenians of Artsakh to live in peace. Without any sanctions imposed on Azerbaijan, the latter will continue its aggressions on the Armenians of Artsakh and Armenia, and pursue its actions to destabilize peace and security in the region which they already announced¹¹⁵.

Canada has failed to set conditions for future cooperation with Azerbaijan which will help secure human rights improvements and progress. There should be no business as usual until all prisoners of war, human rights defenders and political opponents are released from Azerbaijani prisons, the Lachin Corridor blockade is opened, and the Azerbaijani military bases are removed from the sovereign territory of the Republic of Armenia.

¹¹⁰ Canadian Sanctions Relating to Nicaragua;

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/nicaragua.aspx?lang=eng

¹¹¹ Canadian Sanctions Relating to Iran;

https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/iran.aspx?lang=eng

¹¹² European Parliament joint motion on the blockade in Nagorno-Karabakh; January 18, 2023;

https://www.europarl.europa.eu/doceo/document/RC-9-2023-0075_EN.html

¹¹³ The National Assembly of Quebec motion; discussion starts at 1:20:40;

<https://www.assnat.qc.ca/.../travaux.../AudioVideo-97407.html>

¹¹⁴ <https://fb.watch/iWuJ02DUj7/>

¹¹⁵ <https://twitter.com/fuadshahbazov/status/1633160994233937922?s=46&t=PahuSsAUP7N6NYXgvM-iKA>

President Aliyev's actions have senselessly killed thousands of Armenians, caused hundreds of war crimes, kept Armenian prisoners of war and civilians captive to this day in Baku prisons, and currently keeps under the siege 120 000 civilians of Artsakh.

By applying asset freezes, financial and technical assistance prohibitions on President Aliyev and his family members, and arms embargo against Azerbaijan, Canada will become the voice of marginalized people, activists who raise their voices to stop the corruption in Azerbaijan and stop the ongoing genocide and human rights violations against the Armenians of Artsakh.

Canada must consistently advocate for the protection of fundamental human rights, international peace and security and the rule of law and therefore sanction President Aliyev and his regime members pursuant to the provision of SEMA and the Sergei Magnitsky Law.

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