From Reactive Oppression To Codified Authoritarianism

written by Nijat Mammadbayli Nicat Məmmədbəyli

In recent decades, the Republic of Azerbaijan has experienced two major crackdowns on independent media, civil society, and political dissent, occurring between 2013-2014 and again in the 2022-2025 period. While both waves of repression exhibit familiar patterns, such as, politically motivated arrests, censorship of critical media, and both legal and physical harassment of activists, there has been a notable transformation in the legal mechanisms of control. The state's approach has shifted from reactive and inconsistent crackdowns to a more systematic and legally grounded form of political repression. While repression remains visible, it is now carried out through formal institutions and legal procedures. This marks a move from ad hoc control to a stable system that uses legal norms and institutions to maintain authoritarian rule. This development aligns with what scholars have termed *authoritarian legalism* where governments do not abandon law but rather weaponize it to consolidate and legitimize power.[i]

This paper analyzes how the Azerbaijani government has strategically transformed its legal instruments and institutional practices over time, transitioning from ad hoc suppression tactics to a sophisticated system of *rule by law*.[ii] Unlike the liberal ideal of the rule of law, which emphasizes checks on power, equal application of laws, and the protection of rights, Azerbaijan exemplifies a distorted legal environment where laws are not eliminated but selectively deployed to entrench authoritarian rule.

To ground this analysis, the paper draws on key theoretical insights from David Landau and Kim Lane Scheppele, who have significantly contributed to the understanding of contemporary

authoritarianism within legal frameworks. According to Landau, who develops the concept of *abusive constitutionalism*, modern authoritarian regimes frequently adopt constitutional mechanisms that appear procedurally legitimate but are designed to entrench executive authority, disable opposition, and suppress civil society.[iii] These strategies include the proliferation of vaguely worded laws, the politicization of the judiciary, and the expansion of executive discretion. Similarly, Kim Lane Scheppele's theory of autocratic legalism emphasizes the phenomenon of "rule by law" as opposed to the "rule of law."[iv] She argues that authoritarian governments increasingly use laws not merely as instruments of governance, but as tools of domination. In this context, legality becomes a means of disguising repression as legitimate state action. Her analysis highlights how authoritarian states often replicate democratic legal structures, such as courts, parliaments, and constitutional review bodies, while hollowing out their democratic substance. These institutions are repurposed to provide legal cover for repressive practices, thereby shielding the regime from both domestic and international criticism.

Informed by these theoretical frameworks, this paper analyzes how the Azerbaijani government's use of legal and institutional power has evolved between the two crackdown periods. The analysis proceeds in four parts: first, a detailed review of the 2013-2014 crackdown and its reliance on reactive and discretionary legal tactics; second, an examination of the ongoing 2022-2025 repression as a more systematic and codified strategy; third, a discussion on the evolution of legal frameworks, such as amendments to NGO laws, media regulations, and counterterrorism provisions, all of which enable sustained repression; and finally, an analysis of the institutional dynamics and legal discourses that support and normalize authoritarian control under the guise of legality.

The 2013-2014 Crackdown

Between 2013 and 2014, Azerbaijan engaged in one of its most severe periods of political repression since gaining independence. This repression also marked a shift in the government's stance towards independent media and civil society.[v]

Prior to 2013, Azerbaijan exhibited a model of controlled pluralism characteristic of hybrid regimes, where civil society organizations and independent media operated in a constrained but not entirely closed environment. While dissent was tolerated within defined limits, repression tended to be selective, informal, and reactive (usually triggered by specific events e.g., elections or protests) relying on tactics such as administrative pressure, defamation suits, or selective enforcement of regulations.[vi] However, the 2013–2014 period marked a decisive turning point in the government's approach, shifting from ad hoc coercion to a systematized campaign of legal and institutional suppression. Triggered in part by regime insecurity surrounding the 2013 presidential elections and the growing international visibility of the country's domestic activism,[vii] the Azerbaijani government moved to dismantle key nodes of dissent through the arrest of prominent activists, the expulsion of foreign donors, and the introduction of legal amendments that effectively criminalized NGO activity and independent journalism.[viii]

Amid this period, prominent civil society figures, youth activists from the NIDA civic movement, and politicians were arrested on bogus charges, including drug possession, illegal entrepreneurship, tax evasion, and abuse of office.[ix] Numerous independent NGOs had their bank accounts frozen, and some were forced to shut down due to legal and financial threats. The crackdown also negatively affected independent media platforms and journalists. Investigative journalists were subjected to a targeted smear campaign and later imprisoned on trumped-up charges. Access to foreign funding was blocked by requiring state registration and approval for

every grant, which effectively paralyzed local and international support for civil society.[x]

The 2013-2014 crackdown can be classified as ad hoc due to its reactive, selective and inconsistent approach, as it primarily relied on pre-existing legal tools that were repurposed for political repression rather than on a pre-established legal framework. A sudden escalation of the situation was observed in response to growing youth activism and increased financial support to civil society.[xi] Selective use of criminal law led to investigative bodies applying general charges (such as tax evasion, illegal entrepreneurship, and drug possession)[xii] arbitrarily and inconsistently, usually lacking procedural clarity, in order to silence the regime's critics.

Table 1: Selective use of legislation against civil society and activists

Article	Charge	Usage
192	Illegal entrepreneurship	Used to target NGOs that had not registered grants or were accused of operating without proper authorization.
213	Tax evasion	Applied to civil society organizations and individuals, alleging financial misconduct to discredit and criminalize them.
308	Abuse of power	Often used vaguely against NGO leaders or former officials involved in civic initiatives.
234.1	Illegal acquisition or possession of drugs	Frequently fabricated against youth activists.

The above table shows that existing relevant laws were implemented bluntly and in an unsystematic way. According to

the reports of human rights organizations, and defense lawyers, the charges brought against activists, civil society members and journalists were bogus and unsubstantiated and followed by legal procedural violations by judiciary and prosecutorial systems.[xiii]

In the early stages of the crackdown, the government used laws to silence critics. It picked and chose when to act. This is what Kim Lane Scheppele calls *rule by law*, when law becomes a tool to punish, not to protect, and where legal tools are applied arbitrarily and reactively to punish dissent, but without a systematic framework.[xiv] David Landau's idea of *abusive constitutionalism* also applies here. The government had not yet changed the legal system. But it still used existing laws in harmful ways. On the surface, it appeared legal, but it served to protect and expand executive power. At this point, crackdowns were still obvious and inconsistent, relying heavily on the government's direct actions rather than being built into a more systematic legal structure.[xv]

The 2022-2025 Crackdown

In the past decade, the government has made significant investments in the digitalization of court systems, programs aimed at enhancing prosecutorial efficiency, and reforms in judicial ethics, many of which are co-sponsored by the Council of Europe and the US Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), international donors[xvi] or development banks.[xvii] However, these cosmetic changes have mainly boosted the government's ability to repress more effectively and discreetly.

While these support programs appear to reflect progress, not all of them qualify as positive changes. For example, the e-Court system, launched with support from international donors, introduced online access to case information and digitized case management. However, this upgrade has not improved transparency or fairness in politically sensitive cases in

which proceedings are often closed to the public and outcomes are predetermined.[xviii] Similarly, judicial ethics reforms have included the adoption of new codes of conduct and the creation of ethics commissions, often supported by bodies like the Council of Europe. But these bodies lack independence and enforcement power. In practice, judges who align with government interests are rarely disciplined, while those perceived as impartial or critical of the regime face career risks, including reassignment or dismissal.[xix] In terms of prosecutorial reform, training programs and capacity-building workshops funded by international partners have focused on technical efficiency. Yet this efficiency often enables faster and more discreet repression. Prosecutors now utilize "preventive detentions" and sealed evidence, which restricts access for the defense, courts function under expedited procedures, particularly for cases related to "national security" or "financial crimes", defense lawyers and family members are subjected to gag orders and travel bans, suppressing public dissent.[xx]

Coordinated raids and arrests by Azerbaijani authorities against civil society and activists started in late 2022 and grew more intense in the years following.[xxi] Independent media organizations that were renowned for their investigative journalism and critical reporting on state capture, corruption, and governance ended up among them. Unexpected raids, equipment seizures, detentions, and bank account freezing occurred at the offices of independent NGOs and media outlets.[xxii] Journalists, human rights defenders, and civil society activists were all subject to travel restrictions.[xxiii] In contrast to the 2013-14 era, the crackdown also thoroughly penetrated internet activism, resulting in the imprisonment or silencing of bloggers, or active users of social media platforms.

In contrast to the 2013–2014 era, the post-crackdown period saw a marked intensification of repression targeting internet-based activism, reflecting the government's recognition of

digital platforms as new centers of dissent. As traditional NGOs and media outlets were dismantled or brought under state control, activists increasingly turned to social media and blogging platforms to critique the government, mobilize support, and document abuses. This shift mirrored broader global trends following the Arab Spring, where online activism demonstrated its capacity to translate into mass mobilization. The Azerbaijani authorities, acutely aware of these risks, moved to preemptively suppress digital dissent by arresting prominent bloggers and criminalizing online speech through vague and expansive legal provisions, such as those targeting defamation, false information, or incitement to hatred (e.g. the case of a blogger, Mehman Huseynov). Legal amendments after 2013 formalized this shift by expanding the state's surveillance into the digital realm. In this context, the post-2013 crackdown represents not merely a continuation of prior repressive tactics but a strategic evolution in authoritarian control: extending repression from physical civil society structures into the digital sphere, thereby neutralizing the last remaining venues of independent expression.

The current political repression's legal rationale has changed fundamentally, depending on more abstract, internationally aligned language to legitimize the crackdown. By saying the legal rationale has fundamentally changed, I refer to a qualitative transformation in the discursive and legal mechanisms used to justify repression. In the past, repression was primarily personalized and punitive, grounded in criminal charges like hooliganism, drug possession or tax evasion aimed at specific individuals (e.g. the cases of NIDA youth movement members, and Khadija Ismayilova). Today, repression is institutionalized and couched in abstract legal principles that mimic international legal norms, particularly those concerning financial transparency, national security, and counterterrorism.

As for the use of internationally friendly language, this

refers to the use of legal rhetoric and frameworks that mirror global standards, such as *anti-money laundering (AML)* and *counterterrorism financing (CTF)* norms promoted by bodies like FATF (Financial Action Task Force). These are universally accepted concerns, making the charges appear more legitimate or neutral to foreign observers. In the meantime, the abstract language denotes terms like *illicit financial flows*, *foreign interference* or *undue influence* – broad, technical, and vague, allowing for elastic interpretation by the state.

In the 2022-2025 era of the crackdown, the allegations of financial offenses under AML (Anti-money laundering) regulations have become a main tactic of persecution under Criminal Code 206.3.2. While in the pre-2013 period, civil society had *formal mechanisms to receive foreign funding*, the financial independence of NGOs was tolerated, even if restricted. Post-2013, especially after legal amendments to the NGO Law (2013-2014), receiving foreign grants became bureaucratically impossible or illegal. As the space for legal funding collapsed, AML frameworks emerged as a *more sophisticated legal instrument* to criminalize the same activity, not based on actual money laundering but on the mere existence of foreign support.

Furthermore, the discourse surrounding foreign agents has gained traction, despite Azerbaijan not having enacted a formal "foreign agent" law. Authorities are increasingly labeling civil society organizations as "instruments of foreign influence," thereby fostering a hostile atmosphere for any organization that is funded from abroad or has international ties. In the 2013-2014 period, defamation was used as a legal tool to personally target and discredit high-profile journalists and activists, often with gendered or sexualized attacks through online smear campaigns launched by pro-government media outlets.[xxiv] But currently, defamation has become a state systemic ideological narrative: civil society and media are presented as ideological threats to national sovereignty and traditional values.[xxv]

This includes portraying foreign-funded NGOs as agents of liberal decadence, tied to feminism and gender rights, support for LGBTQ+ citizens, and anti-war or peace activism.[xxvi] While no formal *foreign agent law* exists (as in Russia), the language and logic of such a framework are now firmly embedded in official statements and government-aligned media. This allows the government of Azerbaijan to preemptively delegitimize entire sectors of civil society, not just individuals, and associate them with foreign conspiracies.

Between 2022 and 2025, the government's strategy became more clear and deliberate. This period shows what Landau also calls abusive constitutionalism in full effect. New laws, like those on money laundering and media, seem to follow international rules. But in practice, they are used to silence critics and weaken civil society. These laws are not just tools for punishment. By using international standards, such as anti-money laundering rules, the government hides control behind the image of reform. Authoritarian leaders now use legal methods that seem legitimate and these actions help them grow their power while keeping a legal mask.[xxvii]

Kim Lane Scheppele's idea of legalistic autocracy becomes fully visible here. The Azerbaijani government does not reject law. It uses it more than ever. Legal changes are made to look democratic, but they remove real meaning from the process. Courts and ministries still work on the surface. But they no longer act as limits on power. Instead, they help explain and justify repression.[xxviii]

Legal and Institutional Comparison

The legal and institutional framework of repression in Azerbaijan has experienced enormous changes between the crackdowns of 2013-2014 and those of 2023-2025. The previously reactive and ad hoc legal strategies have transitioned into a more proactive and institutionalized system of governance, indicating a movement from crude authoritarianism towards a

more refined coercive legalistic approach.

Since 2013, the Azerbaijani government has systematically developed its legal framework to stifle dissent and control civil society under the pretext of legal normalization. This approach does not rely on reactive authoritarian measures but rather on the institutionalization of repression through legislation, enabling the state to project an image of adherence to international standards while intensifying domestic control. Pivotal elements of this transformation are the following:

Table 2: Designing the shift

Laws	Details of amendments/law	Year of amendment / adoption
NGO law	Arbitrary registration rules, extensive reporting, severe penalties and restrictions[xxix]	2014
Law on Grants	Inspections, grant approval restrictions, dissolution threats, and foreign funding restrictions[xxx]	2014
Law on Information	Internet blocking, wide censorship powers[xxxi]	2017
Law on Lawyers	Monopoly on representation, exclusion of independent legal voices[xxxii]	**2017**
Law on Political Parties	Stricter registration requirements, excessive state control over internal party structure and operations, and risk of dissolution[xxxiii]	2023

Law on Media	Registry requirements, content control, foreign funding limitations, and Media Registry barriers[xxxiv]	Amended in 2015 and brand-new law was adopted in 2022

This developed legal framework signifies a shift from reactive oppression (typical of the 2013-2014 period, characterized by detentions and defamation campaigns) to a more advanced form of codified bureaucratic authoritarianism. This tactic of *compliance theater*, where formal legal changes are enacted but lack genuine implementation aims to placate international observers while preserving harsh domestic control. The compliance theater put on for the international community is important for the government of Azerbaijan because it hopes to deflect international pressure to protect foreign investment (by ticking the *human rights* or *rule-of-law* boxes, they blunt criticism from Western governments and guarantee the flow of foreign investment).[xxxv]

Ultimately, the Azerbaijani government's strategy illustrates a deepening variant of authoritarian legalism, where the law ceases to be a protection against misuse and instead becomes an instrument for the state to amplify and legitimize its repressive authority.[xxxvi]

Analyses of Legal Patterns

During both the crackdowns, the Azerbaijani government has consistently employed legal frameworks not to limit its authority, but rather as an instrument of control. What initially started as targeted and reactive enforcement has transformed into a structured system of oppression (one that disguises political persecution under the guise of bureaucratic processes and legality). This chapter examines these trends through the perspectives of legal discourse and authoritarian legality.

The Azerbaijani government used legal justifications and appeals to national interest to defend its actions in both waves of repression. In 2013 and 2014, the crackdown was framed around national sovereignty, moral panic, and claims of foreign interference. The recent crackdown from 2022 to 2025 looks different on the surface. It is framed in legal language that seems technical and aligned with international standards. But its targets are clear. Authorities go after NGO leaders, researchers, peace activists, feminists, human rights defenders, and independent journalists.[xxxvii] The government underscored judicial legitimacy through adherence to procedures, even when the outcomes were predetermined or manipulated, enabling the government to assert that due process was observed.

This shift in discourse illustrates a wider authoritarian pattern. Repression is now rationalized not by exceptional circumstances, but by adherence to the law itself, regardless of its selective enforcement or interpretive misuse. The chart below illustrates a clear transformation from ad hoc persecution to codified authoritarianism assimilating the structure of democratic institutions (such as laws, courts, and parliament) while depriving them of their autonomous role and creating a legal framework that maintains the facade of legality yet undermines its fundamental nature.

Table 3: Evolution of legal repression based on two crackdowns on civil Society and media

Characteristics	2013-2014	2023-2024
Legal approach	Ad-hoc, reactive and selective	Codified and systemized
Main legal tools	NGO and Grant laws, tax code, and criminal law	AML laws, new media law, criminal law

Public justification	National security and morality	Financial transparency, national security/traitor
Institutional role	Politicized judiciary and prosecutors	Streamlined legal apparatus with technocratic veneer
Visibility of repression	High-profile arrests and trials	Bureaucratic suppression and legal obfuscation, massive travel bans
International framing	Defensive and dismissive	Co-optive and reformist in appearance

In Azerbaijan, legal institutions like the police, prosecutors, and courts mostly serve to control, not to protect. Police and prosecutors often go after critics with charges that seem non-political, like financial crimes. The courts further this repression by granting judicial approval to the state's actions, often making rulings without public hearings, ignoring exculpatory evidence, and limiting access to legal representation. At the same time, regulatory agencies responsible for monitoring media, NGOs, and digital platforms have been weaponized to impose fines, revoke licenses, and obstruct access to essential resources, functioning as both a punishment and a deterrent.

These institutions are not simply plagued by corruption, they have been deliberately and systematically restructured. Under the framework of rule by law, legal systems are no longer intended to limit power or safeguard rights, but rather to solidify authoritarian dominance. This is in stark contrast to the democratic principle of rule of law where the law is meant to protect against the misuse of power.

As noted above, in Azerbaijan over the last 10+ years we can observe how the law has become an instrument of domination, rather than democratic contestation. Countries with

authoritarian tendencies when initiating new laws, adopt a language and structure that can mirror liberal or democratic standards to create legal mimicry.[xxxviii] Secondly, legal accumulation takes part when autocrats enact numerous laws to entrench their power, making it difficult for opposition forces to navigate the legal system. This strategy creates a legal environment in which laws can be selectively applied to suppress dissent.[xxxix] Then "legal shielding" is used with these legal reforms and aforementioned language to deflect external criticism.[xl] Lastly, these all lead to a legal routinization process that normalizes repression via routine legal procedures, making them part of the standard legal process.[xli]

Lastly, both Landau and Scheppele point out a key idea. In today's authoritarian systems, political repression does not ignore the law. On the contrary, it overuses it. Azerbaijan is a clear example. The government does not throw legal norms away. It adds more, twists their meaning, and strips them of real protection. Scheppele calls this *legal camouflage*. This means using the language of reform to hide control. What looks like progress is really a cover for repression. The legal system is reshaped to serve power. Law becomes the main tool the regime uses to stay in control.[xlii]

Conclusion

The development of political repression in Azerbaijan from 2013-2014 to 2022-2025 shows a distinct path towards increased legal sophistication, institutional coherence, and adaptability on the international stage. What initially manifested as reactive persecution through blunt legal tools has evolved into a cohesive system of legalized repression, a variant of "rule by law" that imitates democratic institutions while undermining their fundamental principles. What makes this transformation particularly dangerous is its plausibility. By invoking legitimate global discourses such as anti-money laundering and judicial modernization, the regime

builds a facade of compliance with international norms. This enables it to maintain bilateral relations, receive foreign aid, and present itself as a reform-oriented state. As legalistic authoritarianism becomes the norm in many states, the international community must look beyond formal indicators of legality and assess the substantive reality of governance.

Landau and Scheppele help us see the dramatic shift in the legal system of Azerbaijan in a clearer way. It is not a lawless state. It is a regime that uses law to appear legitimate. The problem is not the lack of law but its manipulation. Their ideas show that authoritarian legalism is not only about control. It is about making control feel normal. It hides repression behind familiar legal processes. The important question is not whether laws exist but how they are used. What looks like progress, such as court reforms or new money rules, can strengthen the regime's grip on power.

Civil society, journalists, and international observers must become adept not only at identifying violations but also at decoding the legalistic language of repression. The challenge now is to reclaim the law as an instrument of justice, not just in form, but in function.

Notes and References

[i] Ginsburg, Tom, and Aziz Z. Huq. "*How to Save a Constitutional Democracy*". University of Chicago Press, 2018, p. 65–66, 78, 207.

[ii] Tamanaha defines the formal or thin conception of the rule of law by its minimal characteristics – *prospectivity, clarity, publicity, stability, and equal application* – and situates it as a foundational baseline. Tamanaha, Brian Z. *On the Rule of Law: History, Politics, Theory,* Cambridge University Press, 2004, p. 3.

[iii] Landau, David, "*Abusive Constitutionalism*," *UC Davis Law Review*, Vol. 47, 2013, p. 189–232, available at: https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/47-1_Landau.pdf

[iv] Scheppele, Kim Lane. "Autocratic Legalism", *University of Chicago Law Review* 85, no. 2, 2018, p.545–583, 548-552.

[v] Amnesty International, "Azerbaijan: Downward spiral: Continuing crackdown on freedoms in Azerbaijan", index no: EUR55/010/2013, October 2013, available at: https://www.amnesty.org/en/documents/eur55/010/2013/en/

[vi] The New York Times, Shahla Sultanova, "Police scatter demonstrators in capital of Azerbaijan", March 2013, available at: https://www.nytimes.com/2013/03/11/world/asia/police-scatter-demonstrators-in-capital-of-azerbaijan.html#:~:text=March%2010%2C%202013,that%20circulated%20on%20social%20networks.

[vii] Institute for War and Peace Reporting, Shahla Sultanova, "Azerbaijan government worried by Facebook activism", April 2013, available at: https://www.refworld.org/reference/countryrep/iwpr/2013/en/83874#:~:text=Facebook's%20mobilising%20power%20was%20seen,is%20meaningful%2C%22%20she%20said.

[viii] World Alliance for Citizen Participation (CIVICUS), "Civil Society Groups Call on Azerbaijan's President Not to Sign Restrictive Law", January 2014, available at: https://www.civicus.org/index.php/media-resources/news/1052-civil-society-groups-call-on-azerbaijan-s-president-not-to-sign-restrictive-law#:~:text=They%20point%20to%20similar%20tactics,to%20approve%20the%20recent%20amendments.

[ix] Open Democracy, Arzu Geybulla, "Meet N!DA, the exclamation mark that terrified the Azerbaijani authorities",

May 2016, available at: https://www.opendemocracy.net/en/odr/exclamation-mark-that-terrified-azerbaijani-authorities/

[x] Human Rights Watch, "Tightening the screws. Azerbaijan's crackdown on Civil Society and dissent", September 2013, available at: https://www.hrw.org/report/2013/09/01/tightening-screws/azerbaijans-crackdown-civil-society-and-dissent

[xi] Human Rights Watch, World Report 2014: Azerbaijan, available at: https://www.hrw.org/world-report/2014/country-chapters/azerbaijan

[xii] A combination of articles from Criminal Code, Tax legislation, Laws on NGOs and Grants were used mostly against the critics in 2013-2014

[xiii] European Parliament, Resolution of March 2023 on EU-Azerbaijan relations, (2021/2231(INI)), (C/2023/405), on Good governance, justice, rule of law and the fight against corruption, para.47, November 2023, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023IP0082

[xiv] Scheppele, "Autocratic Legalism", 546-550

[xv] Landau, "Abusive Constitutionalism," 195–202.

[xvi] Council of Europe, "Support to justice sector reform initiatives in Azerbaijan", 2018-2019, available at: https://www.coe.int/en/web/implementation/azerbaijan-support-to-justice-sector-reform-initiatives-in-azerbaijan

[xvii] World Bank Group, "Smart Courts: Promoting Justice Transparency and Efficiency in Azerbaijan", 2015, available at: https://www.worldbank.org/en/news/feature/2015/10/17/promoting-judicial-transparency-and-efficiency-in-azerbaijan

[xviii] World Bank Group, “Azerbaijan: e-Courts and the digitalization of justice”, June 2021, available at: https://www.worldbank.org/en/events/2021/06/18/azerbaijan-e-courts-and-the-digitization-of-justice

[xix] European Commission for Democracy through Law (Venice Commission), Preliminary Opinion on the draft modifications to the constitution, No. 864/2016, September 2016, available at: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2016)010-e

[xx] International Commission of Jurists, “Azerbaijan: Security services ramp up attacks on independent lawyers and human rights defenders”, 2024, available at: https://www.icj.org/azerbaijan-security-services-ramp-up-attacks-on-independent-lawyers-and-human-rights-defenders/

[xxi] Human Rights Watch, “Azerbaijan: Crackdown on Independent Media”, November 2023, available at: https://www.hrw.org/news/2023/11/22/azerbaijan-crackdown-independent-media

[xxii] Human Rights Watch, “Harassed, Imprisoned, Exiled. Azerbaijan’s continuing crackdown on government critics, lawyers and civil society”, October 2016, available at: https://www.hrw.org/report/2016/10/20/harassed-imprisoned-exiled/azerbaijans-continuing-crackdown-government-critics

[xxiii] Free Voices Collective, “The government of Azerbaijan continues to silence and intimidate civil society through aggravated charges and travel bans”, 2025, available at: https://freevoicescollective.org/the-government-of-azerbaijan-continues-to-silence-and-intimidate-civil-society-through-aggravated-charges-and-travel-bans/

[xxiv] European Implementation Network, “Persecution of journalism: the case of Khadija Ismayilova”, June 2020, available at: https://www.einnetwork.org/blog-general/2020/6/18/persecution-

of-journalism-the-case-of-khadija-ismayilova

[xxv] Council of Europe, Partnership for Good Governance, Analysis of Azerbaijani Legislation on Freedom of Expression, Para.2.4, p.8, available at: https://rm.coe.int/azerbaijan-analysis-of-legislation-on-freedom-of-expression-december-2/16808ae03d

[xxvi] Barberis CF, Huseynli M., "Obliged to hate: The successful stigmatization of anti-war voices in Azerbaijan", Cambridge University Press, *Review of International Studies*. Published online 2025:1-18

[xxvii] Landau, David, "*Abusive Constitutionalism*," *UC Davis Law Review*, Vol. 47, 2013, p.191-195

[xxviii] Scheppele, "Autocratic Legalism", 567-575.

[xxix] International Center for Not-for-Profit Law (ICNL), "Assessment of the legal framework for NGOs in Azerbaijan", July 2017, https://www.icnl.org/wp-content/uploads/our-work_Assessment_NGO-Law-Azerbaijan-Oct-2017-fv.pdf

[xxx] Council of Europe, "Bringing the law and practice related to NGOs in the republic of Azerbaijan into compliance with European standards", April 2017, available at: https://rm.coe.int/azerbaijan-ngo-legislation-full-final-/16808aee81

[xxxi] Council of Europe, Analysis of Azerbaijani legislation on access to information, 2017, available at: https://rm.coe.int/azerbaijan-analysis-of-legislation-on-access-to-information-december-2/16808ae03c

[xxxii] International Commission of Jurists, "Azerbaijan: briefing paper on new legislation restricting court representation by lawyers", 2018, available at: https://www.icj.org/wp-content/uploads/2017/12/Azerbaijan-legalsubmission-accesstoalawyer-2017-eng.pdf

[xxxiii] Joint opinion on the law on political parties, European Commission for Democracy through Law (Venice Commission), 134th Plenary session, March 2023, available at: https://www.osce.org/files/f/documents/1/4/543922.pdf

[xxxiv] Joint opinion on the Law on Political Parties, European Commission for Democracy through Law (Venice Commission) and Directorate general of Human Rights and Rule of Law (DGI) of the Council of Europe, 131st Plenary session, June 2022, available at: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)009-e

[xxxv] International Trade Administration, Investment Climate Statement, November 2023, available at: https://www.trade.gov/country-commercial-guides/azerbaijan-investment-climate-statement

[xxxvi] Varol Ozan O., "Stealth Authoritarianism", Iowa Law Review , 2014, available at https://ssrn.com/abstract=2428965

[xxxvii] Human Rights Watch, "Azerbaijan uses old criminal case to ramp up repression", April 2025, available at: https://www.hrw.org/news/2025/04/29/azerbaijan-uses-old-criminal-case-ramp-repression

[xxxviii] Scheppele, "Autocratic Legalism", 562.

[xxxix] Ibid., 574.

[xl] Ginsburg, "How authoritarians use international law", 44-58.

[xli] Scheppele, "Autocratic Legalism", 571.

[xlii] **Scheppele, Kim Lane.** *"Law in a Time of Emergency: States of Exception and the Temptations of 9/11", University of Pennsylvania Journal of Constitutional Law*, Vol. 6, No. 5,

2004, p. 1046.