Transnational Repression and International Law: An Analysis of the Azerbaijani Experience

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One of the significant trends observed in contemporary international relations and human rights discourse is the expansion of repressive practices of authoritarian governance models beyond national borders. In recent years, the practice by a number of states of targeting their political opponents, critics, and independent voices outside their territorial boundaries has led to the emergence of a new phenomenon characterized as transnational repression. This phenomenon goes beyond the classical concept of political repression and poses serious challenges for international law and the mechanisms for the protection of human rights.

Transnational repression has already emerged as a distinct area of concern within the human rights protection activities of the Council of Europe. In particular, the discussions and adopted documents of the Parliamentary Assembly of the Council of Europe (PACE) bring to the forefront the risks that this practice poses to the European human rights system. Fundamental principles such as freedom of expression, political pluralism, and effective legal protection are coming under significant pressure in the context of the spread of transnational repression.

In the context of the Republic of Azerbaijan, transnational repression manifests itself through the extension of domestic political repression toward political activists and critics living abroad. Investigations and court decisions conducted in absentia, the use of international legal mechanisms for

political purposes, and pressure directed at the close relatives of emigrants are considered the main manifestation of this phenomenon. The aim of this article is to analyze the phenomenon of transnational repression from theoretical and legal perspectives, to examine the approaches emerging at the international level, and to evaluate its concrete manifestations in the case of Azerbaijan.

What Is Transnational Repression?

Transnational repression refers to the deliberate measures taken by states beyond their borders to exert pressure on their political opponents, critics, and activist exiles.[1] While classical domestic repression encompasses both violent and non-violent forms of coercion exercised within a state's own jurisdiction, transnational repression represents the continuation of these practices beyond geographical and legal boundaries. Its main distinguishing feature is that it is implemented as a systematic and long-term strategy employing both legal and extra-legal instruments. The emergence of this phenomenon is closely linked to globalization, increasing migration flows, and the intensification of political exile. As states' capacity to influence their citizens living or operating abroad has expanded, critics operating outside the country are no longer considered to be in a safe environment, particularly in authoritarian and semi-authoritarian regimes, and various mechanisms of pressure are applied against them. As a result, the concept of repression has acquired a new dimension and taken on a transnational character.

The conceptual foundations of transnational repression are shaped by the tension between authoritarian governance, state sovereignty, and the international protection of human rights. On the one hand, states attempt to justify control over political activity on the grounds of security and public order; on the other hand, fundamental rights such as freedom of expression, freedom of political activity, and personal liberty are protected under international law. This tension

renders transnational repression both a political practice and a legal problem.

In academic literature, various theoretical models have been developed to explain and classify transnational repression. Among these, the approaches of Cooley, Heathershaw, and Schenkkan (CHS), as well as the conceptual frameworks developed by Dana Moss and Edward Lemon, occupy a prominent place.[2] Nevertheless, the Freedom House classification is more widely applied due to its empirical basis and its systematic coverage of the various forms of transnational repression.[3] For this reason, the present study adopts this model as its main analytical framework.

According to the Freedom House classification, the main forms of transnational repression include physical violence and abduction, unlawful deportation and extradition, legal harassment and criminal prosecution, digital surveillance and online pressure, and indirect pressure targeting members of the diaspora. For methodological purposes, this study slightly expands the Freedom House categories and analyzes transnational repression across six main categories:

1. physical intervention and abduction;
2. unlawful deportation and extradition;
3. legal prosecution and trials in absentia;
4. digital surveillance and online pressure;
5. indirect pressure and targeting of relatives and close associates;
6. physical violence and assassination.

This approach preserves the logic of the Freedom House empirical classification while allowing for a more systematic and detailed analysis of the practical manifestations of transnational repression in the Azerbaijani context. The various forms of transnational repression are closely interconnected and are often applied in parallel. This

characteristic demonstrates that transnational repression is not a collection of episodic incidents, but rather a deliberate, multi-level, and institutionalized model of state activity.

International Legal Assessment of Transnational Repression

From the perspective of international law, transnational repression is characterized by violations of a number of fundamental principles, and therefore its legal assessment requires a comprehensive approach. This phenomenon is not limited to individual human rights violations but may also be evaluated as a systematic breach of states' international obligations. In this regard, transnational repression should be analyzed both within the framework of general principles of international law and international human rights treaties.

First, transnational repression conflicts with the principles of state sovereignty and non-interference in internal affairs. These principles are enshrined in the Charter of the United Nations and require states to respect each other's territorial integrity and political independence.[4] The implementation of repressive measures against individuals residing in a foreign territory may be considered an interference with the sovereign rights of another state. Such actions, particularly when accompanied by the use of force, may constitute a violation of one of the fundamental principles of international law – the prohibition of the use of force.

One of the key legal instruments in the assessment of transnational repression is the International Covenant on Civil and Political Rights (ICCPR). This document guarantees fundamental rights such as freedom of expression (Article 19), freedom of assembly and association (Articles 21–22), and the right to a fair trial (Article 14).[5] The persecution of individuals for their political activities abroad or the misuse of legal mechanisms against them may therefore be considered violations of these rights.

Within the European legal space, the European Convention on Human Rights, adopted within the framework of the Council of Europe, is of particular importance. Article 6 of the Convention (right to a fair trial), Article 10 (freedom of expression), and Article 11 (freedom of assembly and association) are among the rights most frequently violated in cases of transnational repression.[6] The case law of the European Court of Human Rights (ECtHR) also demonstrates that states may bear these obligations not only within their own territories but also abroad in situations where they exercise effective control or possess decisive influence.

Another important legal aspect of transnational repression concerns refugee law. The principal legal instrument in this area is the 1951 Convention Relating to the Status of Refugees. The principle of non-refoulement established in this Convention imposes an obligation on states not to return individuals who face a risk of persecution.[7] However, in some cases, extradition and deportation mechanisms are used for political purposes, thereby indirectly violating this principle. Furthermore, within the framework of the European Union, action plans on human rights and democracy recognize pressure exerted by third states on dissidents residing in Europe as a serious problem. These documents call on member states to prevent such practices and to strengthen legal protection mechanisms.[8]

In documents adopted within the framework of the Parliamentary Assembly of the Council of Europe (PACE), individual elements of transnational repression are criticized, particularly the abuse of international legal cooperation mechanisms, pressure exerted on diaspora communities, and measures directed against political activists living abroad.[9] At the same time, although the concept of transnational repression has not yet been widely used as a systematic legal term in the resolutions of this body, it has begun to be articulated more clearly and conceptually in reports adopted in recent years. A similar approach can also be observed within the framework of the

United Nations. In the normative documents of the UN, the concept of transnational repression has not yet been fully established as a distinct legal category. Nevertheless, in recent reports presented by Special Rapporteurs, this term and its substantive elements have begun to be used in a more systematic manner.

Thus, transnational repression constitutes a complex phenomenon that violates both the principles of international law governing inter-state relations and the normative framework protecting the fundamental rights and freedoms of individuals. For this reason, its legal assessment requires a systematic and multi-level approach.

Forms and Cases of Transnational Repression in the Azerbaijani Context

In the Azerbaijani context, the phenomenon of transnational repression is not merely the application of legal mechanisms beyond national borders. Rather, it represents the practical manifestation of a deliberate, multi-level, and institutionalized policy of control and pressure exercised by the Azerbaijani authorities over political opponents, journalists, and human rights defenders living abroad. In this section, the analysis will be conducted based on the six main categories presented above, using Azerbaijani cases as empirical examples. This approach not only explains the categories but also demonstrates concrete instances of violence and legal pressure through specific individuals and empirical cases.

The first category, violent physical intervention and abduction, represents one of the most explicit and severe manifestations of transnational repression and includes the targeting of critics through the use of force beyond national borders. One of the most extensively documented examples of such cases is the disappearance of journalist Afgan Mukhtarli in 2017 in Tbilisi, the capital of Georgia, under mysterious

circumstances, and his subsequent detention in Azerbaijan one day later.[10] The investigation of this incident was evaluated in the September 2024 judgment of the European Court of Human Rights (ECtHR), which found violations related both to Georgia's failure to conduct an effective investigation and to the violation of the right to liberty and security in connection with Azerbaijan.[11] Mukhtarli himself described the events as a forcible detention and abduction and claimed that he had been punished for his journalistic activities. This case was not limited to an individual prosecution but also triggered broader discussions about the transformation of legal procedures between states into instruments of political coercion.

Similarly, the disappearance of Zahiraddin Ibrahimov (Ibrahimi) in Yekaterinburg, Russia, on 26 March 2025, and his subsequent appearance in the pre-trial detention facility of the State Security Service of Azerbaijan, represents another manifestation of transnational repression involving physical intervention and abduction. Ibrahimov was known as a Talysh historian and cultural activist who had lived in Russia for many years. A few days after his disappearance, his family received a letter from the State Security Service informing them that an investigation had been initiated against him under serious articles of the Criminal Code.

Another similar example is the case of Elvin Isayev. Isayev, a political blogger and activist, had lived in the Russian Federation since 1998 and obtained Russian citizenship in 2001. His political activity focused on criticizing the Azerbaijani government, particularly on issues of corruption and human rights, often through video reports. In August 2019, the Nasimi District Court of Baku issued an arrest warrant in absentia against him, and in September of the same year, a court in Saint Petersburg temporarily suspended his deportation to Azerbaijan, referring to an interim measure issued by the European Court of Human Rights under Rule 39 of its Rules of Court, as deportation would increase the risk of

political persecution. Isayev later left Russia and moved to Ukraine. However, on 12 December 2019, he was abducted in Ukraine and taken to Azerbaijan, where he was arrested. Ukraine remained silent regarding the abduction that occurred on its territory. Amnesty International and other human rights organizations considered his prosecution politically motivated and emphasized that the official charges were related to his political activities.[12]

The Second Category, unlawful deportation and extradition, is a form of transnational repression carried out through legal instruments but which in practice contradicts international law. This form expands a state's capacity for extraterritorial control and functions as an instrument of political pressure. Such practices are characterized by the forced transfer of politically targeted individuals from foreign countries through the misuse of deportation and extradition mechanisms. The objective is not only to restrict the individual's liberty but also to exert political pressure through the violation of norms and principles of international law.

In the Azerbaijani context, a typical example of this approach is the case of Fakhraddin Abbasov. Abbasov was initially detained in the Russian Federation under extradition procedures; however, after Russian legal experts identified clear procedural violations, the extradition request was rejected. Immediately thereafter, Abbasov was administratively detained on charges of violating migration legislation and deported to Azerbaijan. He was later sentenced to a long term of imprisonment and subsequently died under suspicious circumstances in prison. This case is widely regarded as a clear example of the instrumentalization of legal procedures for political purposes.[13]

In addition, the detention of lawyer Alovsat Aliyev in 2016 and journalist Fikret Huseynli in 2017 in Ukraine on the basis of Interpol Red Notices requested by Azerbaijan has been assessed as an example of Azerbaijan's misuse of Interpol

mechanisms.[14] These cases are significant for legal and academic analysis as possible examples of the use of international police cooperation mechanisms, particularly Interpol systems, for political purposes.

These examples demonstrate that the misuse of legal mechanisms, including the Interpol system, to carry out extradition and deportation measures against critics living abroad is used as a component of transnational repression and constitutes a serious violation of the norms and principles of international law.

The third category, legal prosecution and trials in absentia, represents one of the key instruments of transnational repression through which political pressure is exerted on individuals living abroad via formal legal mechanisms. This form is characterized by the politically motivated application of criminal investigations and judicial procedures against critics and exiles residing outside the country. Although investigations and court decisions conducted in absentia do not involve direct physical coercion, they create legal uncertainty for the targeted individuals, restrict their freedom of movement across borders, and function as a tool of psychological pressure. When such decisions are combined with charges related to political expression and civil liberties, they constitute a clear manifestation of political persecution carried out under the formal guise of legal procedures.

Over the past year, Azerbaijani courts have issued investigations and court decisions in absentia against a number of journalists, bloggers, political activists, and emigrants living abroad. Journalists Sevinc Osmanqizi, Ganimat Zahid, and Beydulla Manafov; politicians Arastun Orujlu[15] and Abid Gafarov; scholar scientist Altay Goyushov; the head of the AzerFreedom internet television channel Gurban Mammadov; the head of the Azad Soz internet television channel Tural Sadiqli; bloggers[16] Suleyman Suleymanli, Mahammad Mirzali, Elshad Mammadov and others have been charged under

various articles of the Criminal Code and sentenced to imprisonment through in absentia procedures.

International human rights organizations note that the Azerbaijani government has expanded its strategy of prosecuting critics living abroad in absentia, and that other emigrants known for their criticism of the authorities, including various media activists and analysts, have been prosecuted under different charges through formal legal procedures. This policy has been described in reports published by Human Rights Watch as "the misuse of relevant articles of the criminal code by the authorities to silence critical voices."[17]

These examples demonstrate that trials in absentia in the Azerbaijani context function as manifestations of transnational repression carried out under a formal legal façade. These mechanisms not only create the appearance of judicial procedure but also restrict the international legal status and freedom of movement of emigrants and serve as a continuous instrument of pressure against their political activities.

The fourth category, digital surveillance and online pressure, represents a form of transnational repression carried out through modern technological tools. This method enables states to interfere in the online activities of critics and political activists living abroad, obtain access to their personal data, and exert psychological and social pressure by influencing their public reputation. This approach is not limited to technical surveillance but also aims to weaken the reputation and credibility of targeted individuals within diaspora and international environments.

The international investigation known as the Pegasus Project (2021–2022) demonstrated that actors linked to Azerbaijani authorities used spyware against journalists and activists living abroad. Through such software, access was obtained to

individuals' messages, calls, photographs, and videos. Investigations showed that at least several Azerbaijani opposition figures and journalists, including journalists living abroad, were targeted. This example demonstrates that digital repression is not limited by physical borders but also poses a threat to the legal and personal security of individuals at the international level.[18] Such activities are contrary to international human rights standards both legally and ethically and systematically violate rights such as freedom of expression, the right to privacy, and psychological integrity.

The fifth category, indirect pressure and the targeting of relatives and close associates, constitutes a distinctive yet highly destructive form of transnational repression. This strategy involves targeting critics and political emigrants abroad by transforming their family members, close relatives, and social circles into instruments of indirect pressure. In this way, pressure not only restricts the activities of the targeted individual but also weakens their activities in the diaspora through psychological and social pressure.

A documented example is the case of Azerbaijani video blogger and social media activist Ordukhan Teymurkhan. After making critical political statements while living abroad, his family members in Azerbaijan were targeted. In February 2017, twelve of Teymurkhan's relatives, including his underage niece, were detained by the police. The following day, two of the relatives were sentenced to 30 days of administrative detention. This incident occurred after Teymurkhan criticized the government during a protest held in Germany and clearly demonstrated that pressure on family members was used as a means of influencing the targeted individual. This case is considered a documented example of transnational repression in the form of pressure against family members.[19]

Reports by international human rights organizations also indicate that family members of activists living abroad have

been subjected to tax inspections, administrative pressure, and various social and economic difficulties. In early 2024, Amnesty International reported that relatives and family members of government critics in Azerbaijan were subjected to serious social and economic pressure. This tactic is used to weaken the activities of critical voices and to keep them under constant social and psychological pressure.[20] Such practices not only constitute violations of individual rights but also expand the scope and impact of transnational repression by extending repressive mechanisms to family members and close social networks.

The sixth category represents one of the most radical and dangerous forms of transnational repression cases of ***physical violence and killings*** carried out abroad. This form is characterized by the direct or indirect use of force by a state against its critics beyond its borders and is considered a serious violation of fundamental principles of international law. Such actions may be carried out either by individuals directly linked to the state or indirectly through third parties. In the Azerbaijani context, several practical models can be observed in this regard.

The first model involves direct physical violence. One of the recent examples in the Azerbaijani context is an incident that took place in Washington, D.C., in 2026 during a visit by the President of Azerbaijan. According to reports, individuals associated with the presidential security service engaged in physical confrontation with protesters, resulting in several protesters being beaten and injured. Video footage circulated after the incident showed security personnel striking and pursuing protesters. Although the response of U.S. law enforcement authorities was limited, the incident is considered a concrete example of the use of force by individuals linked to a state on foreign territory.[21]

The second model involves indirect physical violence carried out through third parties. In this regard, the armed attack

against blogger Mahammad Mirzali in France in 2020 should be specifically noted. Mirzali was stabbed and seriously injured. The incident was linked to his political activities and has been assessed as a form of indirect violence within the framework of transnational repression.[22]

The third model involves killings or acts of violence resulting in death. In this context, the killing of Azerbaijani activist Vidadi Isgandarli in France deserves particular attention. Although the fact of the killing has been confirmed, the motives and the question of whether it was an ordered act have not yet been fully established from a legal perspective. Nevertheless, such incidents are considered within the framework of transnational repression because the exposure of political activists to physical danger even abroad creates a strong deterrent effect on their activities.

Thus, cases of physical violence and killings abroad represent the most severe form of transnational repression and constitute the stage in which repression is openly based on the use of force. This practice results not only in violations of individual rights but also in violations of state sovereignty and the fundamental principles of international law, and demonstrates how authoritarian governments expand their influence beyond national borders.

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