

# **THE LIST**

## **POLITICAL PRISONERS IN AZERBAIJAN**

**August 2014**

Many Azerbaijani human rights defenders took a personal risk to work on this list. Some were arrested even before this English translation saw the light of day.

Institutions tasked with defending human rights in Europe – and in particular the Council of Europe of which Azerbaijan is a member – owe it to these brave defenders of humen rights to take this list seriously ... and to act.

This list includes cases, studied by the Working Group led by Leyla Yunus and Rasul Jafarov. Last update of information is done on August 10, 2014

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## PREFACE – STANDING UP FOR EUROPEAN VALUES

*This is a list of shame for the authorities in Azerbaijan. The existence of this list is also a testimony to the courage and strength of the community of human rights defenders in Azerbaijan today. It exposes the discrepancy between human rights obligations and the systematic violation of these commitments occurring in Azerbaijan today.*

*Azerbaijan is a member of the Council of Europe, and therefore bound by the European Convention on Human Rights. In May 2014, Azerbaijan assumed the chairmanship of the organization. However, despite this, the Azerbaijani authorities have recently unleashed an unprecedented wave of repression, targeting opposition politicians, journalists, civil society representatives, and human rights defenders.*

*Today, human rights activists such as Leyla Yunus, Rasul Jafarov, and Intiqam Aliyev – who worked on this list and are now themselves political prisoners - stand for the many who are defending basic human rights and European values in Azerbaijan and who are subject to repression and imprisonment for doing so. And yet fear of repression did not stop them – and many others – from producing this comprehensive list of political prisoners in Azerbaijan, which included 98 names.*

*The targeting of those who document human rights violations in Azerbaijan is reminiscent of the fate of previous generations of dissidents and human rights defenders in autocratic regimes. It conjurs memories of the signatories of Charter 77, the Committee for the Defense of the Unjustly Prosecuted or the Polish Workers Defence Committee in communist Central Europe. Back in the 1970s the playwright and activist Vaclav Havel wrote:*

*“We never decided that we would go to jail. In fact, we never decided to become dissidents... we simply went ahead and did certain things that we felt we ought to do, and that seemed to us decent to do, nothing more nor less.”*

*The human rights defenders behind this list represent today’s generation of European human rights defenders. They are continuing a noble tradition of doing “what is decent,” and speaking out for the rights of others. By “living in truth,” they defend the common values on which a Europe respectful of rights must be built. And for this they are now paying a very high personal price. It is in the common interest of Democrats across Europe to preserve respect for human rights by drawing urgent attention to the abuses documented here.*

## INTRODUCTION

To draw attention to the growing number of political prisoners in Azerbaijan and the unprecedented wave of repression seen of late, civil society organizations operating within the country present this report. The number of politically motivated arrests, detentions, and imprisonments has increased sharply after the 26 January 2013 defeat of a Parliamentary Assembly of the Council of Europe (PACE) resolution on “The follow-up to the issue of political prisoners in Azerbaijan.”<sup>1</sup> Astonishingly, the situation has become even worse since Azerbaijan assumed presidency at the Council of Europe Committee of Ministers on 14 May 2014.

This report contains a list of cases of those currently detained or imprisoned on politically motivated charges, as of 3 June 2014. The list has been drawn up according to the criteria set out in PACE Resolution No. 1900, from 3 October 2012.<sup>2</sup>

To compile this report, a series of consultations were conducted with local human rights defenders who: 1) studied relevant reports of local and international human rights organizations; 2) examined documents from influential international organizations that Azerbaijan is member of, and has commitments to – in particular, the Council of Europe; 3) monitored the press; 4) monitored court cases; 5) examined court verdicts and other legal documents; 5) and interviewed the families, lawyers, and defense committees of the political prisoners included in this report.

The report provides detailed information about each of the political prisoners, including the facts and circumstances of their arrests, political motivations, and photos. (Photos were not available for every prisoner.)

Cases included in the report are divided into seven categories:

- A. Journalists and bloggers
- B. Human rights defenders
- C. Youth activists
- D. Politicians
- E. Religious activists
- F. Lifetime prisoners
- G. Other cases

The last three categories are divided into subcategories, which are detailed in the report.

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<sup>1</sup> <http://bit.ly/P8Z2Qy>

<sup>2</sup> <http://bit.ly/1piq992>

## CONTRIBUTORS

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## A. JOURNALISTS AND BLOGGERS

### 1. Abdul Abdulmanaf oglu Abilov

**Date of arrest:** 22 November 2013

**Charge:** Criminal Code Article 234.4.3 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer a large amount of narcotics or psychotropic substances)

**Place of detention:** Baku Investigative Prison No. 1 (Kurdakhani pre-trial detention center)

**Case background:** Abilov was the administrator of a popular Facebook page, “Yaltaqlara Dur Deyək” (“Let’s say no to suck-ups”), as well as other critical pages on social media networks.

Abilov created another Facebook page on election fraud after the 9 October 2013 presidential election and managed it until his arrest. On this page, he widely disseminated photos and videos showing election fraud. The social network activist was arrested on 22 November 2013 by employees of the Main Department to Combat Organized Crime and was taken to the mentioned Department. He was sentenced to three months of pre-trial detention the following day, 23 November, by the Narimanov District Court. Although he should have been taken to investigative prison after the sentence that was issued, Abilov was instead taken back to the police station, where he was unlawfully held until 27 November. On 29 November, Baku Court of Appeals Judge Hasan Ahmadov upheld the pre-trial detention sentence.



Police claimed to have found four grams of heroin in the pocket of Abilov’s waistcoat at his house (similar charges have been used against numerous activists during the last few years). The police officers who first searched Abilov’s home initially confiscated a notebook of his. A few hours later, Abilov’s Facebook page, “Yaltaqlara Dur Deyək,” was shut down. On the day of Abilov’s arrest, his brother-in-law, Ramil Ahadov, was also taken to the police station. At the police station, Ahadov was asked whether he had a Facebook profile, and was later set free without further questioning.

At the 29 November trial, Abilov stated that he had been blatantly told he was arrested because of his Facebook posts. He said that he had been handcuffed in the street and taken to his home for the police search. According to Abilov, the police saw that there were many people at his home, and therefore they claimed that the drugs were found in a waistcoat hanging in one of the rooms. Abilov added that he had been subjected to psychological pressure and beaten at the police station, and was forced to sign a confession against his will. His relatives, as well as his lawyer Elchin Sadigov, also believe that the case was politically motivated and that Abilov has been imprisoned without reliable evidence.

Abilov was *sentenced to five and half years by the decision of the Baku Grave Crimes Court dated May 27, 2014.*

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## 2. Sardar Muhammadali oglu Alibayli

**Date of arrest:** 31 July 2013

**Charge:** Criminal Code Article 221.3 (Hooliganism committed with a weapon or objects used as a weapon)

**Place of detention:** Penitentiary Institution No. 14



**Case background:** Alibayli, editor-in-chief of *Nota Bene*, a newspaper that has often published critical articles, was accused of arguing with and hitting someone named Namig Amirov – a person he did not know – with a stone in the yard of school No. 260, located in the Khatai district of Baku on 29 July 2013. On 31 July, the journalist was arrested in a teahouse and taken to police station №37, where he was sentenced to two days of administrative detention. Alibayli was charged with hooliganism, a charge that has been widely used in political cases against journalists and activists in recent years. On 2 August, Khatai District Court Judge Habil Mammadov sentenced Alibayli to two months in pre-trial detention. ***On 13 November, the Khatai District Court found Alibayli guilty and sentenced him to four years in jail.*** On 29 May 2014, the Baku Appeals Court upheld this decision without making any changes to it.

Alibayli's newspaper published many articles harshly criticizing the authorities. Prior to his arrest, *Nota Bene* published an article about a business matter related to President Ilham Aliyev's family, as well as a critical open letter from former Minister of Defense Rahim Gaziyev to President Aliyev. Upon publication of this open letter, Gaziyev was also detained and warned at the police office with regard to the letter.

Alibayli was arrested on the basis of a complaint filed by a citizen named Namig Amirov. However, the journalist stated that he had never met Amirov. The investigation failed to provide any other evidence, apart from the testimony of the complainant, on how the meeting took place. There were serious contradictions between the preliminary testimony of the complainant during the investigation, and the testimonies he later gave during trial.

Alibayli had previously been sentenced to imprisonment under defamation charges several times between 2009 and 2010. Appeals regarding two of these defamation cases are under consideration by the European Court of Human Rights. Alibayli is recognized as prisoner of conscience by Amnesty International.<sup>3</sup> He has a mentally disabled child who is a Group 1 invalid. His wife is unemployed. The US-based Committee to Protect Journalists has expressed its concern over his arrest.<sup>4</sup>

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<sup>3</sup> <http://bit.ly/1jYMJQI>

<sup>4</sup> <http://bit.ly/1myrtFX>

### 3. Nijat Nazim oglu Aliyev

**Date of arrest:** 21 May 2012

**Charge:** Criminal Code Articles 167.2.2.1 (Importing, distributing or selling religious literature, goods or any other religious informational content as a person or as part of a group without special dispensation with intent to sell or distribute); 234.1 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer narcotics or psychotropic substances); 281.2 (Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of the territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such content); and 283.2.3 (Actions directed to incite national, racial, or religious hostility, humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establishment of the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with use of mass media by an organized group)



**Place of detention:** Baku Investigative Prison (Kurdakhani pre-trial detention center)

**Case background:** Aliyev is the editor-in-chief of [www.azadxeber.az](http://www.azadxeber.az), a critical religious-oriented website. Before Aliyev's arrest, the website published materials criticizing the government's policy in regard to religion, the allocation of too much funding for the Eurovision 2012 Song Contest, and the possibility of an LGBT parade in Baku. On the eve of the Song Contest, after disseminating these materials and CDs containing the speeches of theologians Abgul Suleymanov and Tale Bagirov, Aliyev and nine other religious activists were arrested.

The journalist was first charged with possession of drugs. Eight months after his arrest, on 26 January 2013, three more grave charges were brought against Aliyev. This happened only two days after PACE voted against a resolution on the situation of political prisoners in Azerbaijan. ***On 9 December 2013, Baku Court of Grave Crimes sentenced Aliyev to 10 years in prison, the full sentence requested by the prosecutor.***

Nahid Mammadov, an employee of the State Committee on Work with Religious Organizations who was involved in the case as an expert, identified instances of inciting national hatred in the speeches contained on the CDs, however, he failed to explain the details of these instances in the trial. Even if such speeches actually existed, the calls were made by people not mentioned in this case, and not by Aliyev.

Nonetheless, Aliyev was found guilty of the charges. A book titled "Möcüzəsiz möcüzə" ("Miracle without miracle") written by Arshad Azimzada, which was taken from the journalist's house and is claimed to propagate religious extremism, speaks about fasting. The book has been published in Azerbaijan and is not banned. However, the investigation released an opinion against the journalist stating that the book had been imported and reflects calls for religious extremism. During the presentation of the investigation's findings, and while the expert was answering questions, it became clear that the opinion had been ordered. Although the journalist himself, and his lawyer Yalchin Imanov, stated in the trials that Aliyev was tortured by police and sustained serious injuries at the time of arrest, these claims were not

investigated. Abilov is married. He was arrested 23 days after his wedding. Amnesty International described the charges against the journalist as questionable.<sup>5</sup>

#### **4. Parviz Kamran oglu Hashimli**

**Date of arrest:** 17 September 2013

**Charge:** Criminal Code Articles 206.3.2 (Smuggling firearms or military weapon on preliminary arrangement by a group of persons) and 228.2.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, or supplies by a group of persons)



**Place of detention:** Baku Investigative Prison (Kurdakhani pre-trial detention center)

**Case background:** Hashimli, an employee of *Bizim yol* newspaper and the news website [www.moderator.az](http://www.moderator.az), as well as the head of the human rights NGO the Center for the Protection of Political and Civil Rights, was detained on the evening of 17 September 2013 by employees of the Ministry of National Security (MNS). His house was searched, as well as the office of *Bizim Yol* newspaper. After the offices were searched, Hashimli's computer and other property were confiscated. The MNS said that arms and ammunition were found in Hashimli's home. The official statement released by the MNS stated, "Hashimli, in collaboration with another defendant, Tavakkul Gurbanov, smuggled a huge amount of arms and ammunition, they had bought from Iranian citizen for sale, from Iran to Azerbaijan, overpassing customs control, and illegally carried and stored these arms and ammunition."<sup>6</sup>

On 18 September 2013, the Sabail District Court sentenced Hashimli to two months of pre-trial detention. Hashimli was publicly brought to the courthouse with a bag on his head. During the trial, Hashimli stated that he suffered an injury to his foot as a result of harsh treatment at the time of his arrest. He added that he had also been threatened with torture by the MNS. On the day of Hashimli's arrest, a number of MNS officers searched his house. Although his five-year-old daughter and pregnant wife were in the house, the Even though they had a search warrant, the officers first attempted to use windows to enter the house instead of just knocking on the door. When it turned out that there were safety cameras operating in the courtyard and inside the apartment, the officers broke the cameras. Although Hashimli's wife called on the officers to invite their neighbors, as well as the journalists who had come to the house during the search, she was ignored. Immediately after the doors opened upon conclusion of the search, Hashimli's wife told the journalists and human rights defenders present that arms and ammunition had been deliberately planted in their apartment.

Hashimli stated that he has been held in a single cell at the MNS Investigative Prison during his extended pre-trial detention and during his various appeals hearings. He also said that he has been facing harassment, was oppressed to write an application to refuse a principled position of attorney, and that the light in his cell is not switched off at night. However, the court paid no attention to journalist's complaints, and officials ignored appeals made by his relatives.

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<sup>5</sup> <http://bit.ly/P8Z9vo>

<sup>6</sup> Ministry of National Security (MNS), official statement on the arrest of Parviz Kamran oglu Hashimli.

Hashimli's case was submitted to the Baku Court of Grave Crimes in February 2014. Novruz Karimov, a former investigator at the MNS, has been assigned as the judge who will consider the case. ***With the decision of this judge dated 15 May 2014, Hashimli was sentenced to eight years imprisonment.***

Hashimli has been recognized by Amnesty International as a prisoner of conscience<sup>7</sup>.

## 5. Araz Faiq oglu Guliyev

**Date of arrest:** 9 September 2012



**Charge:** Criminal Code Articles 228.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies (except for smooth bore hunting weapons and ammunition), or explosives); 233 (Organizing actions promoting infringement of social order or actively participating in such actions); 283.1 (Actions directed to incite national, racial or religious hostility, humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with use of mass media); 315.2 (Resisting or using violence against a representative of authority); and 324 (Actions insulting the national flag or state emblem of the Azerbaijan Republic)

**Place of detention:** Prison No. 14

**Case background:** Guliyev is the editor-in-chief of [www.xeber44.com](http://www.xeber44.com), based in Masalli, Azerbaijan. The articles published on this website often criticize the government's policies on religion, as well as social problems of the Masalli region. In connection with his activity on this website, Guliyev was repeatedly taken to the police station before his arrest, where he was warned to stop his activity. Local executive authorities also warned Guliyev. Two days before his arrest, on 6 September 2012, Guliyev and another Masalli resident, Rza Agali, were detained and beaten by police and plain-clothed persons, then taken to the Masalli Regional Police Department. They were released after an instruction from Deputy Police Chief Alifaga Kazimov at 3:00am.

Around 9:00 pm on 8 September, Guliyev and another Masalli resident, Ziya Tahirov, protested against the inclusion of a disco party in Nizami park as part of a folklore festival being held in Masalli. The two looked for organizers to get additional information about the event for an article. However, the police dismissed them from the area. Two hours later, when Guliyev and Tahirov returned to the scene, they saw that the event had ended and that there was only a police car at the park. The police car approached them, and Deputy Chief Alifaga Kazimov talked to them for about half an hour, after which they left the area. Afterwards, a group of 25 to 30 plain-clothed persons arrived at the scene, where they started to insult Guliyev and Tahirov and threw stones at them. Police arrived a little while later and beat and arrested the two men. Guliyev was charged with hooliganism and resisting police. Eleven days after the journalist's arrest, on 20 September, his house was searched. After the search, it was claimed that a grenade had been found in the house. In December 2012, Guliyev was charged with publishing articles containing religious enmity, violation of public order, arms possession, and insult of the state flag. ***He was convicted and sentenced to eight years in jail on 5 April 2013 by the Lankaran Court of Grave Crimes.*** The Shirvan Court of Appeals upheld the decision on 9 January 2014.

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<sup>7</sup> <http://bit.ly/1jDfTch>

The search of the journalist's house was conducted without a court decision and without the journalist's presence. There were serious conflicts in the testimonies of the case witnesses, who attended the search, given in the investigation and in trial. The court investigation revealed that Nahid Shiraliyev, one of the case witnesses, could not read or write (although he had signed the search protocol confirming that a grenade had been found). In the Shirvan Court of Appeals, Shiraliyev stated that he was taken from his job at the worker's bazaar by police employees to act as a case witness. He says that each of the two case witnesses received 20 AZN for their efforts. None of the claimed victims faced Guliyev during the investigation. Most of them were police employees, and they all gave the same testimony in the trial. In fact, there was no evidence to support the alleged injury to the police employees. The state flag, which was allegedly torn, was not in the materials of the criminal case as evidence.



## **6. Faraj Karimov, Raqif oğlu**

**Date of Detention:** July 23<sup>rd</sup>, 2014

**The Charge:** Provision 234.4.3 of the Criminal Code (with the intent to sell, unlawfully obtaining or storing, preparing, producing, processing, carrying, transferring narcotic or psychotropic substances or unlawfully selling narcotics or psychotropic substances, when committed in large amount)

**Place of Detention:** Baku Detention Facility (Kurdakhani Prison)

**Brief Summary of the Case:** Mr. Karimov, who is a member of the opposition Musavat Party, manages the official website of the organization, [www.musavat.org.az](http://www.musavat.org.az). In addition, he is known for his activities on social networks, where he was the creator and administrator for many groups with a large followings that spread condemning materials. Karimov was an administrator of the group "Istefa" ("Resignation") on Facebook, which had more than 100,000 members and was shut down about a year ago. After "Istefa" was shut down he created the group "BASTA," which is criticized by the government and has close to 116,000 members.

On July 23<sup>rd</sup>, Karimov was stopped and taken by individuals in black masks while accompanying his mother to the hospital (his brother was arrested a few days ago, which left his mother paralyzed). For hours it was impossible to get any information about his whereabouts, and as a result, the right of Mr. Karimov's family and his counsel to be given information about his arrest was violated. On July 25<sup>th</sup>, Narimanov District Court, without informing Karimov's lawyer, issued a pre-trial detention order of three months, and although the order called for Karimov to be transferred to Baku Detention Facility, he was returned to the Head Organized Crime Fighting Unit, which had executed the capture. His attorney was able to meet with him only on August 1<sup>st</sup> in court, and the right for the attorney to meet with his client was recognized only on August 2<sup>nd</sup>. Following a four-day hunger strike, Faraj Karimov was finally transferred to Baku Detention Facility on July 30<sup>th</sup>. Faraj Karimov stated that during his detention at the Head Organized Crime Fighting Unit, he was shown physical pressure and was blackmailed, forced to give testimony under duress.

A few days before Karimov's arrest, his brother, Siraj Karimov, was arrested on the same charges. While searching the brother's house, a notebook belonging to their father was seized,

and during a conversation with an investigator, Karimov's father was questioned regarding his views on opposition.



## 7. Hilal Alif oglu Mammadov

**Date of arrest:** 21 June 2012

**Charge:** Criminal Code Articles 234.4.3 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer narcotics or psychotropic substances in large amount); 274 (State betrayal, that is deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to the enemy side, espionage, distribution of state secrets to a foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic); and 283 (Actions directed to incite national, racial or religious hostility, humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with the use of mass media)

**Place of detention:** Prison No. 17

**Case background:** Mammadov is the editor-in-chief of the *Tolishi Sado* newspaper, published in the Talysh language. He has also been involved in human rights defense work. Mammadov voiced critical opinions, both in newspapers and on social networking sites – particularly Facebook – about policies of the ruling authorities. Although Mammadov was initially charged with drug possession, he was later presented with more serious and unrelated charges. ***Mammadov was sentenced to five years in jail under a decision issued by Baku Court of Grave Crimes on 27 September 2013.*** The Baku Court of Appeals Court upheld this decision on 25 December 2013.

Mammadov has been recognized by Amnesty International as a prisoner of conscience.<sup>8</sup> His imprisonment under false charges and the necessity of his release was mentioned in the statement of the OSCE media freedom representative<sup>9</sup> and in the report of the Council of Europe Commissioner for Human Rights<sup>10</sup>

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<sup>8</sup> <http://bit.ly/1gJG6nt>

<sup>9</sup> <http://bit.ly/05n8Lm>

<sup>10</sup> <http://bit.ly/1gpkKdm>

## 8. Omar Elyar oglu Mammadov

**Date of arrest:** 24 January 2014

**Charge:** Criminal Code Article 234.4.3 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer narcotics or psychotropic substances in large amount)

**Place of detention:** Investigative prison No.3 (Shuvalan pre-trial detention center)

**Case background:** Mammadov, was an active user of social media networks, including Facebook, on which he co-founded and co-managed a satirical page called “AzTV-dən seçmələr” (“Selected samples from AzTV”). Mammadov was also a blogger<sup>11</sup> and co-founder of the “Axin” (“Flow”) youth movement. Mammadov, 19, is a member of the opposition Citizens’ Solidarity Party as well.



Mammadov, a student of Cyprus International University, returned to Baku the evening of 20 January 2014. The morning of 21 January, he was taken to the Main Department Against Organized Crime, where his notebook was examined and his activities on social media sites were checked. It was determined that he had no active online engagement, and he was released. On 24 January, he was detained by plain-clothed persons and brought to the Main Department Against Organized Crime, where officers claimed to find six grams of heroin on him. He was charged with drug possession. Mammadov was sentenced to three months of pre-trial detention by the Nasimi District Court the same day.

In November 2013, when Abdul Abilov, administrator of the Facebook page “Yaltaglara dur deyak” (“Let’s Say No to Suck-Ups”), was arrested, police searched for Mammadov. When they discovered that he was not in Baku, his father was summoned to the Main Department Against Organized Crime. Mammadov’s father was pressured in connection with his son’s Facebook activities. A phone call was placed to Mammadov in Cyprus, from his father’s phone, demanding that Mammadov leave the Facebook pages he ran. Mammadov was previously an active member of the N!DA civic movement, seven members of which are now in prison. Although he left N!DA as a result of pressure against him and his family, after his arrest he declared that he had returned to N!DA.

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<sup>11</sup> <http://bit.ly/1o7W7rs>

## 9. Rauf Habibulla oglu Mirkadirov

**Date of arrest:** 19 April 2014

**Charge:** Criminal Code Article 274 (State betrayal, that is deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to the enemy side, espionage, distribution of state secrets to a foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic)



**Place of detention:** Investigative Prison of the Ministry of National Security

**Case background:** Mirgadirov, who had been the employee of the Russian-language newspaper “Zerkalo” for many years, began working as the correspondent of the newspaper in Turkey in 2010. Mirgadirov was known for his articles in which he analyzed the Armenian-Azerbaijani Nagorno-Karabakh conflict, Russia's intervention, and the position of the Azerbaijani government. Mirgadirov was expelled from Turkey under the label of “deportation” and sent to Azerbaijan on April 19, 2014. Several days before issuing Mirgadirov's deportation, Turkish officials revoked his professional accreditation in Turkey. He was then arrested by the Ministry of National Security upon arrival in Azerbaijan.

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Mirgadirov was accused of spying for Armenia since 2008 and was sentenced to a three-month pre-trial imprisonment. Mirgadirov, who is in custody of MNS, said that he visited Armenia several times for the national diplomacy projects of the Institute for Peace and Democracy on the solution of the Armenian-Azerbaijani conflict: he defended the interests of Azerbaijan in those events, has never betrayed his motherland, and called the charges set against him trumped-up. Chairman of the Institute for Peace and Democracy, Leyla Yunus, has always been the target of the Azerbaijani government, and was in fact not allowed out of the country for the purpose of questioning on the case; she and her husband's passports were taken from them, she was interrogated for hours, and a search was carried out at her home and office.<sup>12</sup>

A search was also conducted at the office of *Zerkalo*, a newspaper where Mirgadirov was working. Documents and the computer of the editor-in-chief, Elchin Shikhli, were seized. As a result, the newspaper stopped publication. Mirgadirov's parents' house was searched as well, though the journalist had never lived there. The following day, his father, Habibulla Mirgadirov, passed away. The journalist was allowed to participate in the funeral and mourning ceremonies for three days.

The pre-trial detention of the journalist, and the charges against him, violate a number of legal provisions. Firstly, the prosecutor who carried out the criminal-procedural leadership on the case did not participate in the appeal hearing for changing the pre-trial detention decision against the journalist. Instead, a different employee of the General Prosecutor's Office took part in the hearing. The prosecutor who carries out the criminal-procedural leadership for a case is required by law to participate in an appeals hearing, in order to justify their decision to arrest during the procedure.

Secondly, in order to issue pre-trial detention, the court must refer to the initial evidence presented by the investigative organ. This evidence is considered criminal case material, and

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<sup>12</sup> Additional information has been replaced about Leyla Yunus's arrest in the report.

according to legislation both the accused and their defenders have the right to access court materials. However, the court has not presented these materials to either Mirkadirov or his lawyers. Therefore, it was not possible to identify what the basis for this grave crime was, and what kind of initial evidence was there.

Thirdly, the handing over of the journalist by Turkish authorities was not deportation, but extradition. Because of this, Mirgadirov put forth a motion to hire a lawyer from Turkey to take over this issue, but the investigation banned the notary from entering the prison, so power of attorney could not be granted. The complaints against this case were groundlessly not fulfilled.

The Reporters without Borders, the Human Rights Watch, USA Helsinki Commission, the Ministry of Foreign Affairs of the UK, and other organizations have expressed their concern over the arrest of Rauf Mirgadirov. Mirgadirov has received the “Hasan Bey Zardabi” Award; the “Freedom of Speech” International Award, founded by Norway’s Fritt Ord and Germany’s ZEIT-Stiftung Fund; and has been the Honored Journalist of the Republic of Azerbaijan since 2005. He has worked at respected newspapers such as *Democratic Azerbaijan*, *Bu Gun* (“Today”), and *Millet* (“Nation”).

## **10. Elsevar Nasraddin oglu Mursalli**

**Date of arrest:** 3 October 2013

**Charge:** Criminal Code Article 234.4.3 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer narcotics or psychotropic substances in large amount)

**Place of detention:** Baku Investigative Prison (Kurdakhani pre-trial detention center)



**Case background:** Mursalli, from the Khachmaz region of Azerbaijan started posting actively on social networks – especially Facebook – on the eve of the 9 October 2013 presidential election. Sharing critical anti-government posts, he also disseminated materials from the Jamil Hasanli campaign, the only opposition candidate running in the election.

Six days before the election, Mursalli was arrested in Khachmaz by the officers of the Department Against Organized Crime and was brought to Baku. He was accused of selling large quantities of drugs, like other social networking activists were. And as with the other accused activists, there was no material evidence in the criminal case against Mursalli to prove these charges. To whom Mursalli sold the narcotics could not be identified; it was simply noted that Mursalli saw a pack of presumed narcotics, took it, and put it in his pocket. During the court hearing, the witnesses of the prosecution – policemen and case witnesses – stated that narcotics were found. However, no investigation was conducted on Mursalli’s purpose in selling the drugs.

***Mursalli was sentenced to five years imprisonment through the decision of the Baku Grave Crimes Court on 2 April 2014.***

After his arrest, Mursalli became acquainted with N!DA Civic Movement activists at the Baku Investigative Prison and joined the organization. Information regarding Mursalli was sent to the public by N!DA activists in March 2014 (five months after his arrest). Right after

the case of Mursalli was publicized, the court that had postponed the hearing indefinitely, immediately appointed a court hearing to issue a verdict.

## **11. Rashad Agaeddin oglu Ramazanov**

**Date of arrest:** 9 May 2013

**Charge:** Criminal Code Article 234.4.3 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer narcotics or psychotropic substances in a large amount)



**Place of detention:** Prison №2

**Case background:** Ramazanov, a religious follower, used to actively post micro blogs on social media networks, particularly on Facebook<sup>13</sup> in which he criticized high-ranking Azerbaijani officials, including President. He too was charged with drug possession. Following his arrest, Ramazanov was unlawfully held in the Ministry of Internal Affairs' Main Department against Organized Crime for eleven days. After a number of challenges from local and international organizations, he was transferred to the investigative prison.

Well-known lawyer, Aslan Ismayilov, stated that Ramazanov was subject to torture and beatings in custody. Ismayilov's appeal to relevant agencies demanding an investigation into this matter yielded no results. On the contrary, Ismayilov was himself detained by police, who told him to stop making such statements, otherwise he would be punished. A short while later, Ismayilov was dismissed from the Bar of Lawyers. *Ramazanov was sentenced to nine years in jail by a decision of the Baku Court of Grave Crimes on 13 November 2013.* On 16 January 2014 the Baku Appeals Court and on 14 May 2014 the Supreme Court upheld this verdict. Ramazanov has been recognized as a prisoner of conscience by Amnesty International.<sup>14</sup>

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<sup>13</sup> <https://www.facebook.com/HAQQINqulu777>

<sup>14</sup> <http://bit.ly/1jYMJQI>

## 12. Tofiq Rashid oglu Yagublu

**Date of arrest:** 4 February 2013

**Charge:** Criminal Code Articles 220.1 (Organization of mass disorder accompanied with violence, breaking, arson, destruction of property, application of firearms, explosives, and also rendering of armed resistance to a representative of authority, or participation in such disorders), and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with their performance of official duties)



**Place of detention:** Sheki Penitentiary Institution

**Case background:** Yagublu is an employee of *Yeni Musavat* newspaper, and Deputy Chairman of the opposition Musavat Party. He has published critical articles in the *Yeni Musavat* and on social networking sites regularly, and is an active participant in political opposition activities.

On 23 January 2013, mass protests broke out in the Ismayilli region, where locals demanded the resignation of the head of the local executive authority, leading to confrontations. A day following the protest, on 24 January, Yagublu visited Ismayilli as a journalist, but he was detained by police in the city center and forcefully brought back to Baku.

Yagublu was arrested following his visit to Ismayilli. On 26 January, most of Azerbaijan's television stations violated his right to presumption of innocence by reporting that the Ismayilli incidents were triggered by Yagublu and the Chairman of the Republican Alternative (REAL) Movement, Ilgar Mammadov. The media only quoted the official statement released by the Prosecutor General's Office and the Ministry of Internal Affairs. The broadcasts described Yagublu as a criminal.

On 29 January, Yagublu was summoned to the Grave Crimes Investigation Department of the Prosecutor General's Office. He was released after being questioned about his Ismayilli visit. When he was summoned to the Investigation Department again on 4 February, Yagublu was sentenced to two months of pre-trial detention.

Yagublu's visit to Ismayilli was conducted under his journalistic credentials, issued by *Yeni Musavat* newspaper. After observing events in the city center with other journalists, he was held by police and taken to the Ismayilli Rgional Police Office, where he had a brief conversation with Deputy Police Chief Shohrat Karimov. Upon his release, Yagublu left the region accompanied by police officers. The pictures taken by journalists that day clearly show Yagublu standing in the city center when police detained him, with no violent protests taking place.<sup>1</sup> During the trial, the investigation failed to prove that Yagublu met with Ilgar Mammadov – who also faced the same charge – to plan a crime before or during the Ismayilli visit.

Ismayilli residents who were accused in connection to the protests, stated in the trial that they did not know Yagublu. The alleged victims in the criminal case stated in their testimony that they had neither material nor moral claims against the defendants. *Yagublu was sentenced to*

*five years imprisonment by the decision of the Sheki Grave Crimes Court on 17 March, 2014.*

Yagublu has been recognized by Amnesty international as a prisoner of conscience. The report of the Council of Europe Human Rights Commissioner notes that the charge brought against the journalist is not convincing.<sup>15</sup> An appeal has been filed with the European Court of Human Rights regarding Yagublu's arrest.<sup>16</sup>

### 13. Avaz Tapdig oglu Zeynalli

**Date of arrest:** 28 October 2011

**Charge:** Criminal Code Articles 213.1 (Tax evasion); 306 (Failure to execute a court decision); 311.3.3 (Taking a bribe in a large amount); and 311.3.4 (Taking bribe through the use of threats)



**Place of detention:** Prison No. 10

**Case background:** Until 2002, Zeynalli worked as a journalist for *Gunaydin*, and *P.S. Millatin Sasi* newspapers, and as Editor-in-Chief of the *Vatandash Hamrayliyi* newspaper. Since then, he has been Editor-in-Chief of *Khural* newspaper, which he founded in 2002. *Khural* was one of the few newspapers that had criticized the ruling policy in recent years. The newspaper published articles criticizing the head of Presidential Administration, Ramiz Mehdiyev; the head of the Social-Political Department of the Administration, Ali Hasanov; and the head of the State Support Fund for Mass Media, Vugar Safarli. Shortly, before his arrest, Zeynalli published an article titled "Ilham Aliyev Against Independence," in which he criticized the President and stated that the Azerbaijani people were owed an apology<sup>17</sup>.

Zeynalli has repeatedly been sued by officials and has faced pressure for his critical articles. One month before his arrest, the Press Council, which relies heavily on the support of government authorities, declared *Khural* newspaper as a racketeering newspaper. A number of lawsuits were filed against the newspaper, resulting in the imposition of huge fines. The newspaper had no capacity to pay these fines. Prior to Zeynalli's arrest, head of the Presidential Administration, Ramiz Mehdiyev, sued *Khural* newspaper. The court fulfilled the lawsuit, ruling for a 10,000 AZN fine against the paper. Although *Khural* published a retraction, Mehdiyev continued to demand payment of the fine. Because the newspaper failed to pay these fines, Ministry of Justice bailiffs visited the newspaper's office on 20 October 2011 (eight days before Zeynalli's arrest), and confiscated property. As a result, the newspaper went out of publication.

Shortly thereafter, Zeynalli was arrested by the Anti-Corruption Department of Prosecutor General's Office, based on an appeal filed by Member of Parliament (MP) Gular Ahmadova, (who has since been dismissed from parliament). Ahmadova claimed that Zeynalli requested a bribe from her. New charges were later brought against Zeynalli under separate articles. ***Under a decision passed by Baku Court of Grave Crimes on 12 March 2013, Zeynalli was sentenced to nine years in jail.*** The Baku Court of Appeals upheld the decision on 13 May 2013, and the Supreme Court did the same on 11 September 2013.

<sup>15</sup> <http://bit.ly/1gJG6nt>

<sup>16</sup> <http://bit.ly/1gpkKdm>

<sup>17</sup> <http://bit.ly/1caETyL>

Former MP Ahmadova, who caused the arrest of the journalist, was herself arrested in February 2013. The former rector of Azerbaijan International University, Elshad Abdullayev (who now lives in France as an emigrant), disseminated a secretly recorded video featuring Ahmadova discussing a price of 1 million USD to make Abdullayev a parliamentarian. Based on this video<sup>18</sup>, Ahmadova was charged with embezzlement and sentenced to three years in jail. After her arrest, Ahmadova told the media<sup>19</sup> that she had not put Zeynalli into prison by herself, but confessed to carrying out an order.

The witnesses speaking in Zeynalli's trial gave testimonies contradictory to the investigation's findings. In addition, the recording of the conversation between Ahmadova and Zeynalli played in the trial as evidence of extortion, revealed that the Editor-in-Chief did not make any threats, nor did he request any bribe. The fact that the secretly recorded audio file was presented by the investigation as evidence indicates that the charge is unfounded – according to the Constitution, secretly recorded audio materials are inadmissible in court.

On 14 August 2012, an appeal was submitted to the European Court of Human Rights in regard to Zeynalli's illegal arrest, the extension of his pre-trial detention, phone-tapping, and search of his house and apartment. Another appeal was sent to the European Court of Human Rights against the judgments passed by the Azerbaijani courts on the lawsuit against *Khural* newspaper filed by Vugar Safarov, the Head of the State Support Fund for Mass Media Development.

A report of the Council of Europe Human Rights Commissioner described the charges brought against Zeynalli as spurious.<sup>20</sup>

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<sup>18</sup> <http://bit.ly/1f7C9Cr>

<sup>19</sup> <http://bit.ly/1pBvfeK>

<sup>20</sup> <http://bit.ly/1gpkKdm>

## B. HUMAN RIGHTS DEFENDERS

### a. Case of the Election Monitoring and Democracy Studies Centre



EMDS, together with the Volunteers' International Cooperation Public Union (VICPU), publicized a preliminary opinion<sup>21</sup> on 7 October 2013 regarding the conduct of the 9 October 2013 presidential election. The opinion held that Azerbaijan lacked a pre-election environment that enabled free and fair elections, and noted that the voting process was accompanied by serious legal violations. The OSCE Office for Democratic Institutions and Human Rights used the EMDS report, in addition to information from its own observers, in compiling its own critical report about the election.

After EMDS publicized its report, on 31 October 2013, the Grave Crimes Investigation Department of the Prosecutor General's Office conducted a search of EMDS's office, confiscating financial and legal documents and two computers belonging to EMDS and its partner organizations. The Prosecutor General's Office released a statement saying that an investigation had been launched into legal violations by EMDS. Head of EMDS, Anar Asaf oglu Mammadli, as well as EMDS Executive Director Bashir Suleymanli and the head of VICPU Elnur Mammadli, were prohibited from leaving the country.

EMDS had also organized nationwide election monitoring prior to the 2013 presidential elections, and regularly informed local and international communities regarding the shortcomings and fraud that were taking place in Azerbaijan's electoral process. Because of their continuous monitoring of the government, regular smear campaigns against EMDS and its leading personnel were launched by government media. Notably, EMDS was one of the initiators and active participants of the Sing for Democracy campaign held on the eve of the Eurovision Song Contest in Baku in May 2012.

### 14. Anar Asaf oglu Mammadli



**Date of arrest:** 16 December 2013

**Charge:** Criminal Code Articles 179.3.2 (Assignment or waste, through plunder of property entrusted to the guilty party by another person, in a large amount); 192.2.2 (Illegal business committed through derivation of income in a large amount); 213.1 (Evasion of the payment of taxes or obligatory state social insurance payments in a large amount); 308.2 (Abuse of power committed with the intent of affecting the results of an election or referendum); and 313 (Service forgery, that is submission by an official person of official documents containing clearly false data, or amending such documents to invalidate their contents, committed as a mercenary or through other personal interest)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Case background:** Mammadli, the head of the Election Monitoring and Democracy Studies Center Public Union (EMDS), is a well-known human rights defender and expert on elections

<sup>21</sup>[http://www.epde.org/tl\\_files/EPDE/EPDE%20PRESS%20RELEASES/EMDS\\_ICV\\_2%20Interim%20Rep\\_2013\\_AZ.pdf](http://www.epde.org/tl_files/EPDE/EPDE%20PRESS%20RELEASES/EMDS_ICV_2%20Interim%20Rep_2013_AZ.pdf)

and political freedoms in Azerbaijan. As a result of criminal case on EMDC Mammadli was unable to attend several international events as planned, including the European Union Eastern Partnership Summit in Vilnius this past November.

In late October 2013, Mammadli was regularly summoned to the Investigation Department, and visited often to testify. On 16 December, after an interrogation, Mammadli was detained. The same day, the Nasimi District Court sentenced him to three months of pre-trial detention. On 6 March 2014, the Nasimi District Court extended the period of pre-trial detention to 16 June. On 19 March, two new charges were brought against Mammadli, related to assignment and service forgery.

Immediately upon Mammadli's arrest, Amnesty International recognized him as a prisoner of conscience.<sup>22</sup> Several other international organizations and experts, including the PACE rapporteurs for Azerbaijan, expressed concern over Mammadli's arrest and underscored the necessity of his release.<sup>23</sup>

***Mammadli was sentenced to five years and half imprisonment by the decision of the Baku Graves Court on 26 May 2014.***

## **15. Bashir Suleyman oglu Suleymanli**

**Date of arrest:** 26 May 2014

**Charge:** Criminal Code Articles 179.3.2 (Assignment or waste, through plunder of property entrusted to the guilty party by another person, in a large amount); 192.2.2 (Illegal business committed through derivation of income in a large amount); 213.1 (Evasion of the payment of taxes or obligatory state social insurance payments in a large amount); 308.2 (Abuse of power committed with the intent of affecting the results of an election or referendum); and 313 (Service forgery, that is submission by an official person of official documents containing clearly false data, or amending such documents to invalidate their contents, committed as a mercenary or through other personal interest)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Case background:** Suleymanli, who was working as the executive director of EMDS, played a large role in the organization's monitoring projects, during the 2013 presidential elections and previous elections, and in the overall activity of the organization. Although no pre-trial detention was issued against Suleymanli, ***he was sentenced to three years and half imprisonment by the decision of the Baku Grave Crimes Court on 26 May 2014 and was collected from the court hall.***

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<sup>22</sup> <http://bit.ly/1fCF7kn>

<sup>23</sup> <http://bit.ly/1hKTcP1>

b. Other cases

## **16. Hasan Huseynli, Yahya oğlu**

**Date of Detention:** July 14<sup>th</sup>, 2014

**The Charge:** Provisions 221.3 (hooliganism, committed with a weapon or use of items as weapons) and 228.4 (acquiring, selling, or carrying a weapon) of the Criminal Code.



**Place of Detention:** Ganja Detention Facility

**Brief Summary of the Case:** For many years, Huseynli has acted as the head of Ganja's "Perfect Citizen" Enlightenment Center, overseeing significant and successful projects for education, study abroad youth programs, civic engagement, etc. "Perfect Citizen" was founded in 2004, and was registered by the government in 2009. The organization's main purpose is to spread the idea of Azerbaijan's open society in the West and to contribute to the building of a civil society in Azerbaijan. Huseynli is well-respected in Azerbaijan and abroad for his principaled views, human rights activisities and as an educator.

On March 31, 2014, Huseynli was detained by police pursuant to a complaint of Ganja resident Arzu Gahramanov, who claimed to have been knifed and injured by Huseynli during an altercation. Based on a charge of "hooliganism," a criminal case was opened. After two days in detention, Huseynli was released on April 2<sup>nd</sup> under police watch. The investigation refused to turn over any documents relating to the investigation to Huseynli's. His attorney was given only the order of arrest, on which the detention was not substantiated, and no information was given regarding where to file a complaint against this decision. Nonetheless, the investigation continued and the case went to court.

During the court proceedings, Arzu Gahramanov, claiming to be knifed by Huseynli, could not explain why the defendant would do such a thing; Gahramanov could only state "maybe he has been ordered from abroad, that is why." In addition to this, it was never determined, during the investigation nor during the court proceedings, to whom the fingerprints on the allegedly used knife belonged. Nonetheless, on July 14<sup>th</sup>, 2014, Nizami District Court of Ganja City ***issued a verdict sentencing Huseynli to 6 years of imprisonment***, and he was taken into custody in the courtroom.

After the verdict was issued, the Embassy of the United States, the spokesperson for the European Union's Commissioner for External Relations, the United Kingdom's Minister of European issues, and the European Union Eastern Partnership Civil Society Forum all either expressed their concern about Huseynli's arrest, or condemned the verdict.

## 17. Emil Balamirza oglu Mammadov

**Date of arrest:** 13 May 2014

**Charge:** Criminal Code Article 182.2.2 (Extortion, is requirement to transfer another's property or right on property or commitment of other actions which is admitted as in property nature under threat of application of violence, distribution of data, dishonoring a victim or his close relatives, as well as by threat of destruction of property belonging to them, repeatedly)



**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Case background:** Mammadov is the head of Assistance for Democracy Public Union operating in the Salyan region. The organization was registered by the Ministry of Justice in 2007 and is engaged in the protection of human rights. Mammadov is also the coordinator of the Citizen Control Network for the Salyan district. He is most known for publicizing corruption cases in Salyan and surrounding districts, and for publicizing the non-transparency of tenders announced by the District Executive Administration. Mammadov has repeatedly stated publicly that he was subjected to pressure by the Salyan District Executive Administration Head, Tahir Karimov, and other regional officials.

In December 2013 and February 2014 Mammadov appealed in writing to President Ilham Aliyev and Head of Presidential Administration, Ramiz Mehdiyev. Mammadov was imprisoned on the basis of the complaints of the people he criticized – Salyan District Financial Department Chief, Mahir Karimov, and head of Salyan district Telecommunication Unit, Faig Najafov.

Prior to Mammadov's arrest, an employee of the Assistance for Democracy Public Union, Tofiq Gasimov, was arrested. On April 4, 2014, Tofiq Gasimov was subjected to administrative detention for ten days for hooliganism. On April 14, a criminal case under Article 182.2.2 of the Criminal Code was launched against Mammadov and he was sentenced to a three month pre-trial detention. Through the media, Mammadov brought to the attention of the local community, the fact that police tried to get his coworker Tofiq Gasimov to testify against him.

During his detention Mammadov was not given permission to meet with or to keep in contact with his relatives. Although Mammadov had denied the appointment of a public defender upon his arrest, he was never given the opportunity to obtain an independent attorney.

## 18. Gurban Jalal oglu Mammadov

**Date of arrest:** 5 June 2013

**Charge:** Criminal Code Articles 263.1 (Violation of traffic rules and rules of operation of vehicles) and 299.1 (Payment of money to a witness or victim, with intent to influence them to give false testimonies; to an expert with intent to influence him/her to give a false report or testimony; or to a translator with the intent to influence them to translate incorrectly)



**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Case background:** A well-known lawyer in Azerbaijan, Mammadov dealt with human rights cases as the head of Chalkhan LLC, and as an independent attorney.<sup>24</sup> As of early 2013, Mammadov began to seriously criticize the ruling regime and its policies, and became a member of the National Council, a coalition of opposition parties and civil society organizations, formed ahead of the October 2013 presidential election. Mammadov was accused of causing an automobile accident in 2012 that resulted in an injury to a parking lot guard. Mammadov was sentenced to a pre-trial detention without sufficient cause. In the third month of his detention, another charge was brought against him. ***On 6 December 2013, Nasimi District Court sentenced Mammadov to three years in prison.***

Although all testimonies and evidence – including the evidence collected by investigation officers – proved Mammadov’s innocence, the court ruling was solely based on the testimony of former police officer, Isa Mansurov, one of the case witnesses. Mansurov claimed that Mammadov’s car had run over the guard’s foot. But when questioned by the lawyers and Mammadov about the accident, he gave answers such as “I don’t remember.” The court refused to look at the footage recorded by surveillance camera No. TS3-098, which was three or four meters away from the scene of the accident. The court also refused to investigate other circumstances that could have impacted the case. Although none of the articles Mammadov was charged with carry three-year prison sentences, the court granted the public prosecutor’s request for this duration.

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<sup>24</sup> <http://bit.ly/1i1wrFx>

## **19. Aliabbas Fakhraddin oğlu Rustamov**

**Date of Detention:** June 28, 2014

**The Charge:** Provision 312.2 of the Criminal Code (The presentation of a bribe to official for commitment of obviously illegal actions (inaction) by him or repeated presentation of a bribe)

**Place of Detention:** Baku Detention Facility (Kurdakhani Prison)

**Brief Summary of the Case:** Aliabbas Rustamov is the head of the Yasavul Law Firm and a prominent lawyer. Prior to his arrest, Rustamov acted as one of government's harshest critics. On his Facebook profile page, he continuously expressed harsh criticism of the country's problems and shared condemning articles. During the 2013 presidential elections, Rustamov supported the opposition nominee Jamil Hasanli of the National Council, and took part at his rallies. Even after the election, he attended the events, public hearings, and marathons held by National Council.

Prior to his arrest, Rustamov petitioned to become a counsel at the court proceeding on tax evasion charges of prisoner of conscience, Anar Mammadov (head of EMDS). Though Rustamov is a prominent attorney within this legal sphere, difficulties created in the administrative process prevented him from participating in Anar Mammadov's defense. Mammadov had to sign his agreement to be represented by Aliabbas Rustamov in the presence of a notary public, but the prison where he is detained did not afford him such ability.

On March 17<sup>th</sup>, 2014, Rustamov drew the attention of the public by making a very harsh statement against President Ilham Aliyev's address to the nation. The plea was first published as an open letter in newspaper *Azadliq*, and later disseminated via other media outlets and social media, creating a major buzz.<sup>25</sup>

Rustamov began his statement against the president "being fully informed about the activities of the high-ranking officials surrounding you to actually amount to robbery" he lists facts concerning the theft of budget funds in the amount of 100 million AZD. After the letter, it was expected that Rustamov would be arrested – on June 28<sup>th</sup> 2014 he was. On the day of his arrest Rustamov was only able to talk to a reporter from the newspaper, *Azadliq*.

"On the day of his arrest, Aliabbas Rustamov called me and told me that he is being accused of taking bribes. He considers his arrest to be ordered and in connection with his letter to the president" - Vidadi Mammadov, Reporter for *Azadliq*.<sup>26</sup>

The local press has called the formal charges filed against Aliabbas Rustamov "absurd." Rustamov's arrest had nothing to do with bribery, rather it was because of his condemning position, advocating for people with opposing views, and his harsh open letter addressed to the head of the state.

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<sup>25</sup> Text of the plea: <http://www.azadliq.info/xeberler-menu/311-son-xbrlr/42734-vkildn-ilham-liyev-ok-mueracit.html>

<sup>26</sup> [http://www.bbc.co.uk/azeri/azerbaijan/2014/06/140630\\_aliabbas\\_rustamov\\_arrest.shtml](http://www.bbc.co.uk/azeri/azerbaijan/2014/06/140630_aliabbas_rustamov_arrest.shtml)

## 20. Leyla Yunus (Leyla İslam qızı Yunusova)

**Date of Detention:** 30 July 2014

**The Charges:** Articles 274 of the Criminal Code (treason against the State), 178.3.2 (fraud, with a large amount of damage), 192.2.2 (conducting illegal business, with a large gain in profit), 213.2.2 (tax evasion, in large amounts), 320.1 (forging of official documents), and 320.2 (use of forged documents)

**Place of Detention:** Baku Detention Facility

**Case background:** Leyla İslâm qızı Yunusova, 58 years old, resides in Baku. She holds a PhD in history and has worked in the area of human rights defense since the Soviet era. Yunus currently runs the Institute of Peace and Democracy, a position she has held since 1995. She has worked on numerous projects relating to human rights, political persecution, corruption, human trafficking, gender issues, violations of property rights, monitoring of court proceedings, peace initiatives, and more. She is the author of a multitude of reports on political prisoners. For her human rights-related work, Yunus received the National Order of the French Legion of Honor by the Republic of France in 2013. Yunus openly criticizes the Azerbaijani political leadership in both national and foreign press. Since 2005, she has been involved in Track II Public Diplomacy efforts (“people-to-people diplomacy”), and has launched a unique joint dialogue project together with Armenia’s Region Research Center.



On April 28, 2014 at 22:30, Leyla Yunus and her husband, Arif Yunusov, were detained at the Baku Bina airport while boarding an international flight to Doha, Qatar, where they were to attend an international event. Their passports, computers, and other documents were confiscated, without an official order prohibiting them from leaving the country, or a warrant to conduct a search of their personal belongings. That day, Leyla Yunus was subjected to inhumane treatment, threatened with rape, and despite suffering from diabetes, was forbidden from eating and using the bathroom for an extended period of time. During the following days, searches were conducted at the Yunus’ apartment and the Institute for Peace and Democracy offices, all computers and electronic media were seized. The Court of Appeals rejected all complaints filed against the searches in all three locations, as well as complaints filed concerning the illegal detention at the airport.

On April 29 and May 30, 2014, the Chief Prosecutor’s Office issued statements that Leyla and Arif Yunus were to be questioned as witnesses in the case against journalist, Rauf Mirkadirov, pursuant to provision 274 of the Criminal Code (treason). In an objection to having her passport “held hostage” by the Investigative Unit, Leyla declined to go for interrogation; she would only cooperate with the investigation once her passport was returned. The Nasimi District Court refused to consider the complaint that Leyla’s passport taken hostage. The Court of Appeals then dismissed the appeal filed based on the Nasimi District Court’s decision.

During this time, the bank accounts of Leyla and Arif Yunus were frozen without any official court order, only a letter from the Prosecutor’s Office. The subsequent complaint that was filed has not been considered by the Nasimi District Court, and the appeal has been dismissed.

On 30 July 2014, the Republic of Azerbaijan Grave Crimes Investigative Unit of the Chief Prosecutor's Office charged Leyla Yunus with Articles 274, 178.3.2, 192.2.2, 213.2.2, 320.1, and 320.2 provisions of Azerbaijan Republic's Criminal Code.

On the same day, Leyla Yunusova was sentenced to three months pre-trial detention based on the Nasimi District Court's ruling and a motion filed by the Investigative Unit.

Despite not being officially indicted until 30 July 2014, the Chief Prosecutor's Office and its officials have presented Leyla and Arif Yunus as criminals in official statements, violating their right to presumption of innocence.

All of the complaints filed by Leyla Yunus were subject to politically-motivated discrimination, her applications have not even been considered. Leyla was declared a prisoner of conscience by Amnesty International immediately after her arrest.

Leyla Yunus's arrest was politically motivated and directly related to her work to bring awareness to political prisoners in Azerbaijan. She has studied the cases of more than 100 political prisoners and revealed their illegal arrest to be entirely politically motivated. Weeks before her arrest, Leyla Yunus and another human rights defender, Rasul Jafarov, together with several organizations, worked on a unified list of political prisoners. The list you are currently reading was jointly prepared by them. Unfortunately, a few days prior to presenting the public with this list, Leyla Yunus and Rasul Jafarov were both detained. Their names were added by other members of the working group after their arrests.

## **21. Arif Yunus (Arif Seyfulla oğlu Yunusov)**

**Date of Detention:** 30 July 2014

**The Charges:** Article 274 (treason against the State), 178.3.2 (fraud, with a large amount of damage) of the Criminal Code

**Place of Detention:** Baku Investigative Facility (Kurdakhani prison)

**Case Background:** Arif Yunusov Seyfulla oğlu (Arif Yunus) is 59 years old. As a historian, he worked at the History Institute at the Azerbaijani National Academy of Sciences from 1972 to 1992. In 1992, Yunus became head of the Information Analysis Department at the Presidential Apparatus of Azerbaijan. From 1993 to 1994, he was the president of the "Azeri" Information Analysis Center. Since 1995, he has headed the department on conflict and migration at the Institute of Peace and Democracy (IPD). He is an expert at the Network for Early Prevention of Conflicts and Conflict Monitoring, as well as the CIS and Baltic States Migration Research Center. Yunus has authored more than 200 academic research papers in Azerbaijan and abroad, ranging in topic from the history of Azerbaijan, to the Nagorno-Karabakh conflict, religious issues, ethnic minorities, and refugees.



On 30 July 2014, a criminal case was launched against Arif Yunus based on two provisions of Azerbaijan's Criminal Code: 274 (treason against the State) and 178.3.2 (fraud, with a large

amount of damage). Both his case, and the case against Leyla Yunus are integral parts of the investigation into Rauf Mirkadirov, pursuant to the "treason against the State" provision. The Leyla and Arif Yunus are accused of sending Mirkadirov to international conferences which included Armenians, and having him collaborate on an espionage plot with the intelligence agencies of Armenia.

While his wife was arrested arrested on 30 July, and Arif Yunus, remained under police watch due to health conditions. However, on 5 August, Investigator Ibrahim Lambaranski, asked for a pretrial detention order for Arif based on his "meetings with criminally prosecuted subjects in a criminal case or subjects of interest that may be prosecuted, internet correspondence, interviews with media and news sites giving one-sided, false, information." The same day, the Nasimi District Court Judge, Elman Isayev, issued a three month pretiral detention order for Arif Yunus.

The Yunus' cases have been accompanied by numerous violations. Their passsports and other documents were confiscated with no court order, and they were banned from living the country without any legal basis.

The Institute for Peace and Democracy, where there both work, was preparing a list of political prisoners in Azerbaijan, and is dedicated to advancing human rights and outing government repression. Though the orginization operates strictly as an NGO, the investigators consider it to be an illegal business and have accused the two of tax evasion.

Arif Yunusov is a distinguished political analyst known for his criticism of the government, but his arrest is also believed to be a tool to put pressure on his wife Leyla, who is seen as a much larger threat by the regime.

As mentioned above, Leyla and Arif Yunus, and human rights activist, Rasul Jafarov, were working on a comprehensive list of political prisoners in Azerbaijan. It is believed that they were arrested in order to prevent an international discussion on the problem of political prisoners under the Aliyev regime.

## 22. Rasul Agahasan oğlu Jafarov

**Date of Detention:** 2 August 2014

**The Charges:** Article 192.2.2 of the Criminal Code (conducting a largely profitable illegal business), 213.1 (evasion of taxes or social insurance contributions, in significant amounts), 308.2 (abuse of authority which resulted in a hefty outcome or when made with the intent to influence an election (referendum)

**Place of Detention:** Baku Detention Facility (Kurdakhani Prison)



**Brief Summary of the Case:** Born on 17 August 1984, Jafarov received his bachelor's and master's degrees in law. Since 2007, he has worked as a lawyer at the Institute for Reporters' Freedom and Safety. In August 2009, Jafarov became the Chairman of the Association of Television and Alternative Media Development Center. In 2010, he co-founded the Human Rights Club, which focuses on the defense of human rights in Azerbaijan. He is also an active member of the Board of Directors of the Republic Alternative (REAL) Movement, and head of the Legal Defense and Education Society.

As a continuous defender of young activists and political prisoners, Rasul Jafarov has coordinated numerous campaigns over the last few years. Held on the eve of the 2012 Eurovision song contest, the “Sing for Democracy” campaign aimed to utilize the contest’s high profile to draw awareness to the human rights conditions in Azerbaijan. Generating international interest in these issues though, was met with anger by the regime. Jafarov continued the campaign under the name “Art of Democracy,” but any events associated with the campaign were banned. Foreign hotels in Baku, under pressure from authorities, also refused to host these events, despite previously agreeing to do so. Jafarov was also a coordinator of the “Expression Online Initiative” campaign, which was launched in 2012 during the UN Internet Governance Forum in Azerbaijan, with the intent to attract international attention to lack of internet freedom in Azerbaijan.

In recent years, Jafarov has been one of the most active human rights activists in the international arena, with his scathing criticism and incisive reports on human rights abuses. He had recently started to work on issues relating to political prisoners in Azerbaijan very intensely, compiling a full list of political prisoners. On 24 June 2014, Jafarov presented this list of political prisoners during the PACE session to the new rapporteur on Human Rights in Azerbaijan, Pedro Agramunt. This comprehensive list of political prisoners, complied through the collaborative efforts of a wide range of NGOs, is key to clearly presenting the extent of Aliyev regime’s politically motivated human rights abuses to the international community.

Only a month after presenting this list at the PACE session, and immediately following the arrest of Leyla Yunus, Jafarov was taken into custody. Prior to his arrest, Jafarov was also unlawfully banned from leaving the country, and his bank accounts were frozen.

Rasul Jafarov does not accept any of the charges filed against him and considers his arrest to be due to his human rights activities. International and local human rights organizations

consider arrest to be politically motivated. Amnesty International, has declared him a prisoner of conscience.

### **23. Intiqam Kamil oğlu Aliyev**

**Date of Detention:** 8 August 2014

**The Charges:** Provisions 192.2.2 (conducting illegal business, with a large gain in profit), 213.1 (evasion of taxes or social insurance contributions, in significant amounts), and 308.2 (abuse of authority which resulted in a hefty outcome or when made with the intent to influence an election (referendum)) of the Criminal Code

**Place of Detention:** Baku Detention Facility (Kurdakhani Prison)

**Case background:** Head of the public interest association, Legal Education Society, Intiqam Aliyev has been involved in human rights advocacy for nearly 20 years. As a lawyer, he has filed over 300 complaints with the European Court of Human Rights. Of these, 23 cases have been successfully completed. Aliyev has taught courses on civics, civil procedure, non-commercial law, and international mechanisms of human rights at local universities. He is an expert on the legal and human rights issues of many international organizations (OSCE, Council of Europe, GTZ, etc.) and has authored over twenty books. On 4 March 2013, he was given an award by People in Need, a human rights organization. Aliyev, his lawyers, and human rights activists do not accept the charges against him, consider them be politically motivated, and link his arrest to his human rights activities. Aliyev has sent more than 40 complaints to the European Court in connection with the parliamentary elections of 2010; currently there are communications taking place with the government regarding the same complaints. Aliyev's arrest serves the purpose of preventing the European Court from issuing a decision against Azerbaijan. However, the Azerbaijani authorities did not stop there. While conducting a search of the Legal Education Society's offices, all documents relating to the aforementioned election case were illegally seized by the Investigative Unit. Authorities believed that imprisoning Aliyev was not enough to prevent the files from making their way to the European Court, or being used by complainants against the government. (According to the procedural rules of the European Court, it is possible to remove a case from consideration due to lack of interest by the complainants.) In addition to cases concerning the election, Aliyev, has also submitted complaints to the European Court concerning violation of property rights, freedom of expression, and the right to assembly. The Investigative Unit has also illegally seized the files concerning those cases. It should also be noted that, to date, the majority of the decisions issued by the European Court against the Azerbaijani government, have been in cases litigated by Aliyev. All this gives way to the assertion that the primary reason for Aliyev's arrest has to do with the complaints filed by him with the European Court.



During his speech at the 2014 summer session event of Parliamentary Assembly of the Council of Europe, Aliyev harshly criticized the government's policy on human rights, and spoke on the problem of political prisoners, attacks on independent NGOs, arrests of government critics based on false charges, massive violations of property rights of citizens, and other such topics. In this sense, his arrest is also a violation of freedom of expression.

One month prior to his arrest, a tax audit was conducted at Aliyev's office and he was accused of tax evasion. However, no legal violations were discovered – the Legal Education Society, as well as Intiqam Aliyev himself, are registered with the taxation department. Therefore it is unclear as to how Aliyev broke the law by taking part in illegal business conduct, as the government claims.

***On August 8, 2014, Nasimi District Court issued a three months pre-trial detention order in his case, despite his serious health problems.***

## C. YOUTH ACTIVISTS

### a. The board members and activists of the “N!DA” civic movement

#### *Brief Background on the “N!DA” movement*

The N!DA civic movement was founded in 2011 by a group of youth who wanted freedom, justice, and truth in Azerbaijan. N!DA has stated that change needs to take place in the country and the government should be built on the will of the people. The main requirements of the

N!DA civic movement include the following:

- To live in a free and developed country;
- An army consisting of persons with high fighting capacity;
- Change of the ruling regime in a democratic manner through free and fair voting;
- Laws that are fair and equal for everyone;
- Free and independent media.

N!DA is not associated with any political party, and its main objective is to achieve democratic change through peaceful means.<sup>27</sup> It has organized various actions, such as flash mob protests. The movement’s board members have been represented in the opposition coalition, the National Council, and N!DA members actively supported the campaign of Jamil Hasanli, the united opposition candidate.

Members of the N!DA civic movement have been persecuted in a number of ways for their social activity and critical positions. Board member Zaur Gurbanli was detained in September 2012 for distributing N!DA materials regarding the 2013 presidential election. No information was given about his detention for two days. On 1 October 2012, police stated that Gurbanli had been arrested in a drug operation, and received fifteen days of administrative detention for resisting police. In June 2013, Aygun Panjaliyeva, head of N!DA’s board, was fired from the school where she was employed as a French language teacher, due to pressure from the authorities. Former N!DA activist Omar Mammadov left the movement due to pressure on him and his family. He is now in detention in connection with his activity as a blogger.

#### *Arrest of members and activists of the N!DA civic movement*

In protest of the deaths of young soldiers of the National Army during non-combat operations, young activists and the parents of the soldiers gathered on 12 and 26 January 2013 in central Baku. The police used excessive force to disperse the crowd, and hundreds of protesters were arrested. Most were sentenced to administrative detention or received high fines. These mass protests and the repression against the protesters drew much attention within the country and from the international community. However, despite the successful mobilization efforts, deaths of soldiers in non-combat situations continued.

On 1 March 2013, representatives of a group of youth organizations, including N!DA, applied to the Baku City Executive Authority, expressing their intent to hold a mass protest on 10 March 2013. To prevent this protest from becoming too large, as a precaution, authorities began arresting N!DA members who were active previous demonstrations.

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<sup>27</sup> <http://bit.ly/1f0le9w>

Three activists of the N!DA civic movement – Mammad Azizov, Bakhtiyar Gulyev, and Shahin Novruzlu – were arrested by the Ministry of National Security on the evening of 7 March 2013, ahead of the mass action planned for 10 March in central Baku, to again protest the suspicious deaths of soldiers in non-combat situations. The activists' parents, relatives, and friends were not informed about the arrests. They were not provided with access to lawyers either. A few hours after the arrest, the apartments of Azizov, who lives alone, and Gulyev and Novruzov, who live with their families, were searched. Police claimed to have found drugs and Molotov cocktails in their apartments. Their preliminary interrogation and delivery of pre-trial detention sentences took place without the presence of their lawyers. Since Shahin Novruzlu was underage at the time of arrest, his legal representative by law should have attended his interrogation. However, the investigation department did not fulfill this legal requirement. All three youths stated in their preliminary testimonies that they had done nothing illegal. However, a day later, due to torture and psychological harassment, they were forced to testify against themselves and others without the presence of their lawyers.

On 9 March 2013, national Azerbaijani television stations aired broadcasts showing the Azizov, Gulyev, and Novruzlu supposedly admitting their intent to commit a crime by creating confrontations using Molotov cocktails during the mass protest planned on 10 March 2013. The broadcasts showed the testimonies of the three against board members of the N!DA civic movement, including alleged confessions about their involvement in committing the crime. The broadcasts clearly showed that the youth were afraid and had been subjected to physical violence. The broadcast of Soviet-era confessional videos indicates that the arrests were politically motivated.

A short while later, all three youths, in testimonies given in the presence of their lawyers, stated that they had confessed under duress, and submitted appeals to the prosecutor's office to investigate reports of torture. In addition, the employees of the Ministry of National Security who arrested the activists, spoke as additional witnesses, but gave unclear and confused answers to the questions of the youths and their lawyers. The investigation into these complaints was of a perfunctory nature, since the body that committed the torture and the body that investigated the matter was one and the same. Azizov, Gulyev, and Novruzlu, later sued the Ministry of National Security, the Prosecutor General's Office, and several television stations.

Despite these arrests and the broadcasts, hundreds of people, including other activists of the N!DA civic movement, joined the peaceful protest on 10 March 2013, which was dispersed through the use of excessive force by police.

The protest was followed by the arrests of board members of the movement. Board members Rashad Hasanov, Rashadat Akhundov, and Uzeyir Mammadli, as well as N!DA activist Zaur Gurbanli, were arrested in April 2013. The youth were first charged with illegal possession of explosives and drugs. Six months after their arrest, in September 2013, another charge was brought against them: organizing or taking part in mass unrest. When the new charge was introduced, Anayat Akhundov, the 74 year-old grandfather of Rashadat Akhundov, committed suicide by slashing his wrists. He passed away several days later in the hospital.<sup>28</sup>

The pre-trial sentences for Hasanov, Akhundov, Mammadli, and Gurbanli did not change until the start of the trial, which began on 6 November 2013, and was ongoing at this time.

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<sup>28</sup> <http://bit.ly/1pBvQNz>

All of the detained N!DA members have been declared by Amnesty International as prisoners of conscience.<sup>29</sup>

*On May 6, Baku Court on Grave Crimes announced the verdict on the case of the youth activists from NIDA movement. Activists Rashadat Akhundov, Zaur Gurbanli, and Ilkin Rustemzadeh have been given eight year sentences, Mammad Azizov received seven and a half years, Uzeyir Mammadli and Bakhtiyar Gulyev seven years, and Shahin Novruzlu six years.*

After the verdict was issued, Bakhtiyar Gulyev wrote a pardon petition on 19 May in which he stated that he refused to be a member of N!DA and requested that his name was removed from the list of political prisoners. Therefore, Gulyev's name has been removed from this list.



## 24. Rashadat Fikrat oglu Akhundov

**Date of arrest:** 30 March 2013

**Charges:** Criminal Code Articles 28 (Preparation of a crime); 220.1 (Organization of or participation in mass disorder accompanied with violence, breaking, arson, or destruction of property); and 228.3 (Illegal purchase, transfer, sale, storage, transport or carrying of firearms, accessories, or supplies (except for smooth bore hunting weapons and ammunition), explosives and facilities, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Background:** Upon completion of his secondary education at the Private Turkish Lyceum in the Shirvan region, Akhundov attended the Azerbaijan State Economic University. He later continued his education at the Central European University in Hungary. Prior to his arrest, he was employed as a lead finance specialist at BP Azerbaijan.

## 25. Mammad Rasim oglu Azizov

**Date of arrest:** 7 March 2013

**Charges:** Criminal Code Articles 28 (Preparation of a crime); 220.1 (Organization of or participation in mass disorder accompanied with violence, breaking, arson, or destruction of property); and 234.1 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Background:** Azizov received his secondary education in Sheki, Azerbaijan. From 2010 until his arrest, he was studying sociology at the Sociology and Psychology Faculty of Baku State University. He joined the N!DA movement in summer 2012. Azizov was active on social networking sites,



<sup>29</sup> <http://bit.ly/1gJG6nt>

the co-founder and administrator of the “Page named after Heydar Aliyev,” a popular satirical Facebook page. On 11 January, a day before the “No soldiers’ deaths” mass action, Azizov was detained by police and was subject to inhumane treatment at Police Station #9.



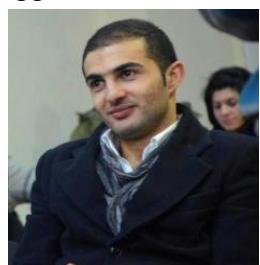
## 26. Rashad Zeynalabdin oglu Hasanov

**Date of arrest:** 14 March 2013

**Charges:** Criminal Code Articles 28 (Preparation of a crime); 220.1 (Organization of or participation in mass disorder accompanied with violence, breaking, arson, or destruction of property); and 228.3 (Illegal purchase, transfer, sale, storage, transport or carrying of firearms, accessories, or supplies (except for smooth bore hunting weapons and ammunition), explosives and facilities, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Background:** Hasanov received his secondary education at the Lankaran Private Turkish Lyceum, and his higher education at the Middle East Technical University. He was actively involved in the election campaign of young parliamentary candidate Bakhtiyar Hajiiev in the 2010 parliamentary elections. Hasanov was one of the co-founders of the Positive Change Youth Movement in 2010. From March 2011 to May 2012, he served on the board of the Youth Rights Defense Committee (YRDC), a coalition of nine organizations. He headed the property rights sub-committee of the YRDC for five months. In 2011, along with Zohrab Ismayil, the head of the Public Union for Assistance to Free Economy, Hasanov prepared a report titled “Map and statistics of property rights violation in Baku,” with support from the British Embassy in Azerbaijan. Hasanov was one of the organizers and active participants of the first sanctioned meeting on 17 March 2012. In May 2012, leaving the Positive Change Youth Movement, Hasanov joined N!DA in order to reach a wider audience. In September 2012, he was elected as a board member of the N!DA civic movement. Hasanov is a co-founder of the Youth Assembly, founded in November 2012, with a membership of about 50 active youths.



## 27. Bakhtiyar Samandar oglu Guliyev

**Date of arrest:** March 07, 2014

**Charge:s:** Article 228.3 ( Illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it) explosives committed by organized group) and 234.1 ( Illegal purchase or storage without a purpose of selling of narcotics or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption)

**Background:** Bakhtiyar Guliyev is one of the "NIDA" members arrested on March 07, 2013. Mr. Guliyev has rejected all the charges, declaring himself innocent. May 19, 2014 right after the verdict Bakhtiyat wrote an appeal for pardon stating that he refuses to remain NIDA member and wants his name to be taken out from the list of political prisoners. But human rights defenders think that there are doubts that he was under pressure while taking this decision, therefore Bakhtiyar's name is remaining in this list.

## **28. Zaur Araz oglu Gurbanli**

**Date of arrest:** 1 April 2013

**Charge:** Criminal Code Articles 28 (Preparation of a crime); 220.1 (Organization of or participation in mass disorder accompanied with violence, breaking, arson, or destruction of property); and 228.3 (Illegal purchase, transfer, sale, storage, transport or carrying of firearms, accessories, or supplies (except for smooth bore hunting weapons and ammunition), explosives and facilities, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Background:** Gurbanli received his secondary education at the Sheki Lyceum of Physics and Mathematics, and his higher education at the Law Faculty of Baku State University. From 2008 he had been employed in various enterprises as a lawyer, but was repeatedly dismissed from jobs for his political views. His last job was at the Icrachi Loan Agency. Gurbanli was one of the co-founders of the N!DA movement. He had been elected twice as a board member, and also served as a project coordinator. Also involved in blogging, Gurbanli published dozens of critical articles on socio-political topics.



## **29. Uzeyir Muhammad oglu Mammadli**

**Date of arrest:** 30 March 2013

**Charge:** Criminal Code Articles 28 (Preparation of a crime); 220.1 (Organization of or participation in mass disorder accompanied with violence, breaking, arson, or destruction of property); and 228.3 (Illegal purchase, transfer, sale, storage, transport or carrying of firearms, accessories, or supplies (except for smooth bore hunting weapons and ammunition), explosives and facilities, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Background:** Mammadli received his secondary education in Barda city. In 2008, he graduated from the Law Faculty of Baku State University. Mammadli participated in the establishment of the N!DA movement in 2011. In the same year, he was elected as a board member. Mammadli was N!DA's representative in the Youth Rights Defense Committee.



### **30. Shahin Ibrahim oglu Novruzlu**

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**Date of arrest:** 7 March 2013

**Charge:** Article 28 (preparation to crime), 220.1 (The organization of or participation at mass disorders accompanied with violence, breaking, arsons, destruction of property), 228.3 (Illegal purchase, transfer, selling, storage, transportation or carrying of firearms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives and facilities, committed by organized group) and 234.1 (Illegal purchase or storage without a purpose of selling of narcotics or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption) of the Criminal Code



**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Background of person:** Novruzlu received his secondary education in Baku. From 2012 until his arrest, he was studying at the Finance Faculty of Odlar Yurdu University. Novruzlu was a minor at the time of his arrest.

### **31. Ilkin Bakir oglu Rustamzada**

**Date of arrest:** 17 May 2013



**Charge:** Criminal Code Articles 28 (Preparation of a crime); 220.1 (Organization of or participation in mass disorders accompanied by violence, breaking, arson, or destruction of property); 221.2.1 (Hooliganism committed by a group of persons or a repeated act of hooliganism); and 221.2.2 (Hooliganism committed by resisting a representative of authority implementing his duty to protect the public order or preventing a violation of public order)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Case background:** Rustamzada is a member of the Free Youth organization and several opposition parties and civil society organizations. He was studying at the Azerbaijan State Economic University until his arrest.

Rustamzada used Facebook to organize the “No more soldiers’ deaths” mass protests in central Baku on 12 January and 10 March 2013. The protests attracted a large number of participants, and pressure from the authorities was placed on Rustamzada started because of these demonstrations. He was summoned to the police station and sentenced to administrative detention several times.

Rustamzada was sentenced to 15 days of administrative detention after the “No Terror” youth action on 30 April 2013, to commemorate the youth who were killed in a terrorist attack at the Azerbaijan State Oil Academy. After serving this sentence, Rustemzada was arrested a few days later and charged with committing hooliganism through shooting a “Harlem Shake” video at the Baku Seaside Park and posting it to YouTube.

#### **b. Other cases**

## 32. Orkhan Ibrahimajdar oglu Eyyubzade

**Date of arrest:** 6 May 2014

**Charges:** Criminal Code Article 315.1 (Application of violence, resistance with application of violence concerning the representative of authority in connection with performance of official duties by him or application of the violence not dangerous to life or health concerning his close relatives, as well as threat of application of such violence)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)



**Case background:** Eyyubzade, a member of N!DA movement, was detained on 6 May 2014, during a protest held in front of Baku Grave Crimes Court against the verdict in the cases of N!DA Board members and activists. He was sentenced to a 20-day administrative detention and was scheduled for release on 26 May. However, a new, unfounded charge was filed against him on the last day of his detention period, and Binagadi District Court issued a one-month pre-trial detention against Eyyubzade. The charge was filed based on claims that he treated the employees of the now temporarily closed detention center rudely, used force against them to resist, and fought with them. There is no further evidence in the criminal case materials.

The young activist was subject to ill and inhumane treatment in the prison. Eyyubzade was examined and traces of injuries on his body were confirmed. He suffers from convulsions, and an ambulance was called for him 24 times while he was in prison. When the court ruled on the pre-trial detention of Eyyubzade, his doctor's input was not taken into consideration. The 19-year-old activist is studying in Ukraine. He is one of the young activists who are well-known for posting statuses and information on Facebook that is critical of the government.

## D. POLITICIANS

### **33. Igar Eldar oglu Mammadov**

**Date of arrest:** 4 February 2013

**Charges:** Criminal Code Articles 220.1 (Organization of or participation in mass disorder accompanied by violence, breaking, arson, or destruction of property) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with their performance of official duties)

**Place of detention:** Sheki Penitentiary Institution

**Case background:** Igar Mammadov has been engaged in political activities since the restoration of Azerbaijan's independence in the early 1990s. About ten years ago, he launched the first-ever political blog in Azerbaijan. Mammadov is the Director of the Baku School of Political Studies of the Council of Europe, as well as an advisory member of the German Marshall Fund and Revenue Watch.<sup>30</sup>

Mammadov is also the Chairman of the Republican Alternative (REAL) movement, which was established in 2009 and has become known as a new generation political force in recent years. The movement's main objectives are to transition to a parliamentary republic and restore republican traditions in Azerbaijan; to build an effective government; and to guarantee rights and freedoms to all Azerbaijanis. Since its establishment, REAL has proposed alternative programs in addition to criticizing current government policies and those implementing these policies, including President Aliyev.

Following the referendum of 2 March 2009 – which removed the provision limiting the president to serve only two terms in office – during a live program on ANS TV, Mammadov accused President Aliyev of following the path of Iranian Shah Reza Pahlavi by removing presidential term limits. Mammadov, who ran in the 2010 parliamentary elections, used his airtime to criticize the ruling authorities for pursuing useless policies.

On 1 March 2012, Mammadov visited the city of Guba to observe mass protests taking place against the local executive head of the region. He criticized the authorities for these protests. In November 2012, Mammadov criticized parliament's ineffective operations, saying that it was comprised of MPs who had gained their seats through rigged elections. He described the parliament as a zoo. As a result, MP Adil Aliyev, who is connected to the ruling authorities, voiced a threat, saying in an interview that those who spoke like this needed to be beheaded. Ruling party MP Hadi Rajabli, the head of Parliament's Committee on Social Policy, stated that an appeal for Mammadov's arrest was ready to be submitted to the court, and that MPs continued to sign the appeal. No appeal was ever submitted.

On 19 January 2013, workers at the Bina Trade Center in Baku held a protest, calling for social change, which resulted in a confrontation with the police. Mammadov visited the scene of the protest, met with protesters, and learned of their demands. Both on his blog, and in interviews with the media, Mammadov voiced support for the protesters, stating that their

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<sup>30</sup> <http://bit.ly/1fsL2aR>

demands were justified. He openly blamed the authorities for not being interested in preventing corruption.

On 23 January 2013, protests were held in the Ismayilli region, demanding the resignation of the local executive head, which also resulted in clashes. On 24 January, a day after the protest, Mammadov visited the Ismayilli region. After talking with journalists and some of the residents in the center of the region, he returned to Baku. On his way to Baku, Mammadov gave an interview to RFE/RL's Azerbaijani service, stating that the protesters' demands were reasonable. On his blog, he criticized the local executive bodies for challenging the people's patience. In addition, Mammadov obtained the identities of those who caused the confrontations. He identified them as relatives and close friends of then-Minister of Labor and Social Protection, Fuzuli Alakbarov. Mammadov obtained and publicized official documents indicating that the hotel run by people who caused the clashes was owned by the Minister's son. Though at the time, the local executive head and other officials stated that the hotel did not belong to any official or their relatives.

Mammadov was arrested following his visit to Ismayilli. Most television stations, as of 26 January, quoted the statement released by the Office of the Prosecutor General and the Ministry of Internal Affairs. In the statement, the claim was made that Mammadov, along with journalist and Deputy Head of the Musavat Party, Tofiq Yagublu, incited the incidents in Ismayilli. In doing so, these stations violated Mammadov and Yagublu's right to presumption of innocence by publically describing them as criminals.

On 29 January, Mammadov was summoned to the Grave Crimes Investigation Department of the Prosecutor General's Office where he was questioned over the Ismayilli visit, and then released. On 4 February, he was again called to the department, and sentenced by the Nasimi District Court to two months of pre-trial detention.

Mammadov had visited Ismayilli a day after the protest, not the day when the protest began. He stayed in the center of Ismayilli city only for about 40 to 50 minutes with a number of journalists and Natig Jafarli, REAL Executive Secretary, who had traveled with him. Jafarli and the journalists confirmed this during the trial. In addition, a video showed Mammadov in the city center, not calling for confrontation, but just talking to journalists. The video showed no mass action or violence. Excerpts from mobile phone conversations revealed that Mammadov had already left the region during the time period when he was allegedly taking part in illegal activities.

The Ismayilli residents blamed for the incidents said they did not know Mammadov. Two residents, Israfil Verdiyev and Rovshan Novruzov, who were involved in the cases as witnesses, claimed that they saw Mammadov calling on youth to resist police. But when questioned by lawyers, the witnesses gave conflicting testimonies. The venue where the witnesses claimed Mammadov was staying was different from the place claimed by the investigation. A witness with the surname Mehdiyev said that he was at the scene by chance and had not witnessed anything during the Ismayilli protest. But the case materials showed that Mehdiyev had already testified against those arrested on 23 January. The alleged victims stressed in their testimonies that they had no complaint against the defendants. *However, on 17 March 2014, Sheki Court of Grave Crimes sentenced Mammadov to seven years in jail.*

Amnesty International described Mammadov's arrest as a "politically motivated prosecution,"<sup>31</sup> and recognizes him as a prisoner of conscience.<sup>32</sup> The PACE co-rapporteurs

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<sup>31</sup> <http://bit.ly/OnDAbI>

for Azerbaijan expressed concern over Mammadov's arrest and visited him in detention while they were in Baku. The Council of Europe Commissioner for Human Rights underscored the necessity of Mammadov's release in a report.<sup>32</sup> The European Parliament passed two resolutions calling for Mammadov's immediate and unconditional release.

A month and a half after Mammadov's arrest, the European Court of Human Rights received the appeal against Mammadov's pre-trial detention sentence, and began communication with the Azerbaijani government. On 22 May 2014, the European Court of Human Rights revealed its decision regarding the complaint sent in connection with pre-trial detention of Mammadov – they stated that the Articles 5.1 and 5.4 (right to freedom), 6.2 (presumption of innocence) and 18 (limitations on use of restrictions on rights) in connection with Article 5 were violated. The pre-trial detention of Mammadov was ungrounded. In item 143 of the European Court of Human Rights' decision, it was concluded that Igar Mammadov was imprisoned for his critical political views.

#### **34. Yadigar Sadig oglu Sadigov**

**Date of arrest:** 27 June 2013

**Charge:** Criminal Code Article 221.3 (Hooliganism committed with use of a weapon or objects used as a weapon)

**Place of detention:** Baku Investigative Prison (Kurdakhani Pre-trial Detention Center)

**Case background:** An advisor to the Chairman of the Musavat Party, Yadigar Sadigov was well known for his critical opinions of the Azerbaijani authorities, both through his political activity with the Musavat party, and his activity on social networking sites. Sadigov represented his party in Lankaran, where he lived. In January 2013, Sadigov organised a visit of the head of Musavat Party, Isa Gambar, to Lankaran, although Gambar was not allowed to enter Lankaran as a result of past Sadigov was also actively engaged in publicizing human rights violations and protecting the rights of citizens in other regions.

Sadigov was charged with hooliganism, allegedly hitting a resident of Lankaran City, Rashid Karimov, with his mobile phone while at a teahouse. Sadigov was detained on the basis of a complaint filed by Karimov, and sentenced to a pre-trial detention.

The complaint filed by the alleged victim was published by AzerTag, a state-run news agency, even before being released by the police. The complaint stated that Sadigov and two of his colleagues insulted Karimov, using inappropriate language when he was passing by the teahouse, beating and kicking him in public. However, the complainant's testimony during the investigation contradicted this; he claimed then that only Sadigov had beaten him. When questioned by lawyers during the trial, the complainant mainly answered, "I don't remember." In their testimonies, the alleged witnesses named a different teahouse than was mentioned in the investigation materials, strongly indicating that the witnesses were coached by the prosecution. In his testimony, the owner of the teahouse stated that he did not fully witness the incident, only the complainant when he came to the teahouse later with police. The owner added that he did not see any injuries to alleged victim's face.

<sup>32</sup> <http://bit.ly/1gJG6nt>

<sup>33</sup> <http://bit.ly/1gpkKdm>

Sadigov filed a motion, demanding the expert who issued the report on Karimov's supposed injuries be questioned during the trial. The judge did not grant the motion. The judge also rejected a motion requesting satellite data to determine whether the witnesses were at the teahouse when the alleged crime took place, as well as other motions that could prove Sadigov's innocence. The public prosecutor demanded the maximum prison term provided by Article 221.3 – seven years in jail (the minimum term is three years).

*On 13 January 2014, Sadigov was sentenced to six years in jail by Lankaran District Court. Shirvan Court of Appeal reduced six years period to four years on July 22, 2014.*

## E. RELIGIOUS ACTIVISTS

### **a. Case of Said Dadashbayli and Those Arrested with Him**

Said Dadashbayli studied at Azerbaijan State Economic University, majoring in economics and production management. He worked at Azerbaijan State Oil Company from 1992 to 1998, and has also worked for Azeri EM-AY Drilling Fluids, a joint Azerbaijan-US company as a coordinator on material-technical supply. The Canadian government has issued him permanent residence due to his area of specialization. He is married and has two children.

On 13 January to 18 January 2007 approximately 30 people were arrested in the Said Dadashbayli case. (Details about their specific charges are listed below.) Some were released, but only after testifying against the eleven defendants that were held at the Ministry of National Security detention facility.

There were serious legal violations from the initial round of arrests. Ministry of National Security officials entered the apartments of the accused by force, without presenting search permits. Right in front of the relatives of those being arrested, Ministry of National Security officials planted guns and other material evidence in the apartments in order to justify the arrests. These are obviously in seriously violation of Azerbaijan's Code of Criminal Procedure.

Detainees were also not allowed to contact their attorneys in initial days after their arrest, or brought to the court during the first seven months. There was no court ruling approving their arrest during the investigation period and none of the arrests were made official. The defendants were brought to the Court of Grief Crimes eight months after their arrest on 17 September 2007. Prior to the trial, the accused were kept in individual cells at the Ministry of National Security from January 13, 2007 till December 11, 2007. They were periodically being beaten; deprived of sleep, eating, and drinking water; and given psychotropic substances. Authorities threatened to torture their relatives should the accused refuse to confess.

A prisoner named Emin Mammadov passed away due to severe torture in March of 2007 – there is a medical certificate verifying the cause of death. Mammadov's death was hidden from his family and public for several months. When they did find out, his family was threatened with further repression, should they contact human rights defenders or try to go public. When Mammadov's attorney submitted an inquiry about the conditions in the detention facility, the Ministry of National Security responded that they had no records of Emin Mammadov and he was never held there. After losing his life as a result of severe torture, Mammadov was not even mentioned during the court proceedings. For the court and the public at large, "E. Mammadov" disappeared without a trace.



Court sessions were closed to the public as well as the families of the accused. According to Provision 200 of the Code of Criminal Procedure of Azerbaijan Republic, court sessions can be conducted closed to the public in order to prevent leaks of state secrets. But there was no sensitive information in this case, and no legal standing for closed court proceedings.

The defendants did not accept the charges against them during the trial. They stated that they were victims of torture and other illegal actions committed by authorities. The court found that majority of the defendants charged with starting terrorist organizations had not even known each other prior to meeting in prison. Prosecutors failed to provide sufficient evidence – the trial ended according to the will of the prosecutor.

The case of this group is considered politically motivated, because:

- a) The charges against them were political in nature.
- b) The arrests and the case were aimed at strengthening the Azerbaijani government's image as combating terrorism and threats against Western countries and Israel; President Aliyev received appraise from high-level US officials for eliminating Dadashbeyli's group.<sup>34</sup>

### **35. Said Alakbar oglu Dadashbayli**

**Date of arrest:** 15 January 2007

**Charges:** Criminal Code Articles 28.2 (the criminal liability shall be instituted only for preparation of semi-serious, and serious crimes); 180.3.1 (robbery by an organized group); 204.3.1 (manufacturing or selling of counterfeit money or securities by an organized group); 204.3.2 (manufacturing or selling of counterfeit money or securities in a large amount), 218.1 (creation of a criminal organisation in order to commit semi-serious or serious crimes, as well as a management of such organisations, structural divisions included, and also the creation of organisers' associations, heads or other representatives of the organised groups with plans to develop and conditions for committing of semi-serious or serious crimes); 228.1 (illegal purchase, transfer, selling, storage, transportation or carrying of firearms, accessories to it, supplies, [except for the smooth-bore hunting weapons and ammunition], and explosives); 228.4 (illegal purchase, selling or carrying of gas weapons, cold steel, including throwing weapon, except for districts where carrying of a cold steel is an accessory of a national suit or connected to hunting); 234.1 (illegal purchase or storage without a purpose of selling of narcotics or psychotropic substances exceeding an amount necessary for personal consumption); 274 (deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of state secrets to foreign state, rendering assistance to a foreign state, foreign organization or their representatives resulting in hostile activity against the Azerbaijan Republic); 278-ci (actions towards the violent capture of power or violent deduction power that infringes on the Constitution of the Azerbaijan Republic, as well as actions directed taken towards violent changes of constitutional grounds of the states)



**Place of detention:** Prison #15

### **36. Farid Nadir oglu Aghayev**

**Date of arrest:** 15 January 2007

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<sup>34</sup> [https://search.wikileaks.org/plusd/cables/08BAKU383\\_a.html](https://search.wikileaks.org/plusd/cables/08BAKU383_a.html)

**Charges:** Criminal Code articles 28.2 (the criminal liability shall be instituted only for preparation of minor serious and especially serious crimes), 180.3.1 (robbery, by organized group); 218.2 (Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups) və 278-ci (actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison #1

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### 37. Jeyhun Saleh oglu Aliyev

**Date of arrest:** 15 January 2007

**Charges:** Criminal Code articles 28.2 (the criminal liability shall be instituted only for preparation of minor serious and especially serious crimes), 180.3.1 (robbery, by organized group); 218.2 (Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 228.1 (illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives) 274 (state betray, that is deliberately action committed by a citizen of the Azerbaijan Republic to detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of the state secret to foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic) və 278-ci (actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)



**Place of detention:** Prison No.7

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### 38. Rashad Ismayil oglu Aliyev

**Date of arrest:** 13 January 2007

**Charges:** Criminal Code articles 28.2 (the criminal liability shall be instituted only for preparation of minor serious and especially serious crimes), 180.3.1 (robbery, by organized group), 204.3.1 (manufacturing or selling of counterfeit money or securities by an organized group), 204.3.2 (manufacturing or selling of counterfeit money or securities in the large amount), 218.2 ( Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups) 278 (Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison #11

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**39. Mikayil Garib oglu Idrisov**

**Date of arrest:** 15 January 2007

**Charges:** Criminal Code articles 218.2 (Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 228.1 (Illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives), 278 (Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison #1

**40. Jahangir Ramiz oglu Karim**

**Date of arrest:** January 15, 2007



**Charges:** Criminal Code articles 28.2 (The criminal liability shall be instituted only for preparation of minor serious and especially serious crimes) 180.3.1 (robbery, by organized group); 218.2 ( Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 228.1 (illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives), 274(State betray, that is deliberately action committed by a citizen of the Azerbaijan Republic to detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of the state secret to foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic), 278(Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison #1

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**41.Rasim Rafiq oglu Karimov**

**Date of arrest:** January 20, 2007

**Charge:** Criminal Code articles 218.2 ( Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 278 (Actions directed on violent capture power or violent deduction power in

infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison # 11

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#### **42.Samir Edik oglu Gojayev**

**Date of arrest:** January 17, 2007

**Charge:** Criminal Code articles 218.2 ( Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 278 (Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison # 7

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#### **43.Baybala Yahya oglu Guliyev**

**Date of arrest:** March 13, 2007

**Charge:** Criminal Code articles 218.2 ( Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 228.1 (illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives), 228.2.1 (Illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it, explosives on preliminary arrangement by group of persons), 228.4 (Illegal purchase, selling or carrying of gas weapon, cold steel, including throwing weapon, except for districts where carrying of a cold steel is an accessory of a national suit or connected to hunting), 278 (Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison #11

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#### **44.Emil Nuraddin oglu Mohbaliyev**

**Date of arrest:** 15 January 2007



**Charge:** Criminal Code Articles 218.2 ( Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 278 (Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

**Place of detention:** Prison #15

**b. The Islamic Party of Azerbaijan: Movsum Samadov and those arrested with him.**

The Islamic Party of Azerbaijan (IPA) was founded in 1991 in Baku and registered with the state in 1992. Although the IPA's registration was revoked in 1995 by the Supreme Court, its activity was not actually banned. Thus the party is still operating without registration. When Haji Movsum Samadov was elected as the Party Chairman in 2007, the party applied to the Minister of Justice for registration. The Ministry did not register the party.

The IPA and Samadov stated that the requirements of Islam should be followed in Azerbaijan and that the Azerbaijani government was pursuing an anti-Islamic policy. The party and its chairman also viewed the US and Israel as occupant countries. In an interview with an Iranian radio station in December 2009, Samadov expressed his disappointment regarding the destruction of several mosques in Azerbaijan, and condemned amendments that had been made to laws regulating religious practices. In April 2010, Samadov sent an appeal to President Ilham Aliyev, reminding the President that he had sworn an oath to the Koran, as well as the constitution. In the appeal, Samadov stated that the President's actions conflicted with both the constitution and the Koran.

Samadov was detained at a peaceful protest in front of the Israeli Embassy in Baku on International Jerusalem Day. He was later set free. In protest to the articles published in *Alma* newspaper about Prophet Mohammad in November 2010, the IPA and the Caucasian Muslims Office sent an appeal to the Press Council. Later, the IPA appealed to the National Television and Radio Council stressing the need to remove the licentious television programs from the air. Although the IPA and Samadov stood in the 2010 parliamentary elections, it was no success.

IPA activists took part in the first peaceful protests against the hijab (headscarf) ban in schools imposed by the Ministry of Education in December 2010. At the IPA General Assembly held on 2 January 2011, Samadov made a speech criticizing Minister of Education Misir Mardanov for the hijab ban, and President Aliyev for the social situation in the country.<sup>35</sup> In his speech, Samadov referred to articles from the *Washington Post* and the *New York Times* about villas in Dubai, reportedly owned by the president's son. The articles claimed that the wealth of the Azerbaijani people and state had been stolen; there were no jobs for Azerbaijani youth despite the country's great wealth; injustice and bribery ruled in to commemorate the birthday of former President Heydar Aliyev, was essentially stolen from the people; and idolatry was promoted in the country by idolizing Heydar Aliyev. Samadov claimed that the Azerbaijani people should remain on alert and should change the ruling regime. He called on the people to rise against oppression. Samadov's speech went viral on social media networks, particularly on YouTube, leading to broad discussions.

On 7 January Samadov, IPA Deputy Vagif Abdullayev, IPA member Elchin Hasanov, and Samadov's driver, Mirhuseyn Kazimov, were arrested. Employees of the State Traffic Police stopped the car they were traveling in, and several plain-clothed people came out of a black car and took Samadov and those with him. The men were accused of resisting police. After being questioned at Narimanov District Police Station No. 19, they were taken to the Binagadi District Court, where they were sentenced to ten to fifteen days of administrative detention (Samadov was sentenced to fourteen). All except Samadov were taken to the Binagadi

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<sup>35</sup> <http://bit.ly/1mb5txL>

Temporary Detention Center. There was no information about Samadov's whereabouts for a days; it was later reported that he was held at the Ministry of National Security.

On the day of Samadov's arrest, the Ministry of Internal Affairs released a statement saying that the Main Department to Combat Organized Crime carried out operations based on information that Samadov and his cousin from the Guba region, Dayanat Samadov, were calling for mass unrest, violation of public order, and Jihad. The statement went on to say that the aforementioned department had found three units of hand grenades in the electrical shop where Dayanat Samadov worked, and seven automatic rifle cartridges in his house. A criminal case was subsequently launched. Another IPA activist, Akhundzadeh, as well as Dayanat Samadov, and Haji Samadov's brother-in-law Firdovsi Mammadrzayev, and religious attendees of the 2 January General Assembly Faramiz Abbasov and Zulfugar Mikayilzada, were all arrested. Arms and ammunition were reportedly found in their houses. Samadov and the others arrested with him faced charges of calling for the violent seizure of power in the 2 January speech, and other charges. Upon completion of administrative detention, Samadov and the others were sentenced to pre-trial detention.

On 7 October 2011, Baku Court of Grave Crimes Judge Eldar Ismayilov issued a decision sentencing Movsum Samadov to twelve years in prison, Akhundzada to 11.5 years, Abdullayev and Abbasov to eleven years, and Mammadrzayev and Dayanat Samadov to ten years.. Mikayilzada was sentenced to eleven years of conditional imprisonment, with a five-year trial period. The Baku Court of Appeals upheld the decision on 17 May 2012, and the Supreme Court upheld the decision on 21 February 2013.

Observation of the court trials and examination of the final ruling reveals that Samadov had not entered into any criminal relationship with those arrested with him. He prepared the speech he made on 2 January by himself. Deputy IPA Chairman Abdullayev, head of the IPA Astara branch Akhundzada, and religious followers Abbasov and Mikayilzada, only *heard* the speech at the event. Unlike what the investigation claimed, Samadov stated that he did not use the word "Jihad" in his speech, and that just like other opposition politicians, he had criticized the authorities and called on the public to fight for the values they believed in.

The evidence used by the court was based on documents and testimonies provided by law-enforcement agencies. Most of the witnesses who testified against the defendants during the investigation withdrew their testimonies during the trial, stating that they had initially given statements under pressure. However, the court attributed the change in testimonies to the influence of third parties. Although the protocol from the alleged discovery of arms in the shop where Dayanat Samadov worked named "Rasim Mukhtar oglu Guloglanov" as a case witness, it was later revealed in court that the witness's real name was "Taleh Rasim oglu Piroglanov." Another case witness, Hazrat Aliyev, said that he signed the search protocol in the police department, not at the search venue. He could not explain why he had gone to the police department.

Witness Ilham Sharafaddinov, who allegedly heard Dayanat Samadov's conversation with Mammadrzayev in a mosque in Guba, did not recognize Mammadrzayev at the trial.

Another witness, Natig Mammadov, who claimed that he heard the same conversation, provided his military service certification to the investigation instead of his identification card. The court did not pay any attention to this issue, which calls into question the witness' identification. The witness, who claimed to be a religious follower who regularly visited the mosque in Guba, failed to answer even the simplest religious questions regarding the parts of

Islamic prayer, and did not know what month Ramadan was. The case materials contained no evidence proving that Samadov and the others worked against the national interests of the Azerbaijani state or cooperated with Iranian intelligence services or other bodies.

Abdullayev, who had serious health problems, was transferred to prison No. 12 - a prison with serious detention conditions. Despite multiple appeals from him and his lawyers regarding his inability to withstand these conditions and deterioration of his health, Abdullayev was not released. Consequently, Abdullayev passed away in the Treatment Facility of the Penitentiary Service in July 2012.

Akhundzada, who has serious health problems, suffered an acute myocardial infarction in May 2013. Multiple appeals stressing the need for his release have been ignored. Because of his health problems, he has repeatedly been transferred to the Treatment Facility of the Penitentiary Service, the last time being on 25 February 2014.



The European Court of Human Rights has accepted the appeal on this case for consideration.

#### **45. Faramiz Zaynal oglu Abbasov**

**Date of arrest:** 24 January 2011

**Charges:** Criminal Code Articles 28, 214.2.1 (Preparation of a crime committed with advance arrangement by a group of persons, an organized group, or a criminal community or organization); 28, 214.2.3 (Preparation of a crime committed with the application of firearms or objects used as a weapon); 228.3 (Illegal purchase, transfer, sale, storage, transportation, or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition), or explosives, and facilities, committed by an organized group); and 278 (Actions directed for the violent capture of power or violent deduction of power in infringement of the Constitution of the Azerbaijan Republic, as well as directed violent change of the constitutional grounds of the state)

**Place of detention:** Prison No. 7

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#### **46. Rufulla Hojjatullah oglu Akhundzada**

**Date of arrest:** 21 January 2011

**Charges:** Criminal Code Articles 28, 214.2.1 (Preparation of a crime committed with advance arrangement by a group of persons, an organized group, or a criminal community or organization); 28, 214.2.3 (Preparation of a crime committed with the application of firearms or objects used as a weapon); 228.3 (Illegal purchase, transfer, sale, storage, transportation, or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition), or explosives, and facilities, committed by an organized group); and 278 (Actions directed for the violent capture of power or violent deduction of power in infringement of the Constitution of the Azerbaijan Republic, as well as directed violent

change of the constitutional grounds of the state); and 283.1 (Actions directed to incite national, racial or religious hatred or humiliation of national advantage, or actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media)

**Place of detention:** Prison No. 15



#### **47. Firdovsi Teymur oglu Mammadrzayev**

**Date of arrest:** 12 January 2011

**Charges:** Criminal Code Articles 28, 214.2.1 (Preparation of a crime committed with advance arrangement by a group of persons, an organized group, or a criminal community or organization); 28, 214.2.3 (Preparation of a crime committed with the application of firearms or objects used as a weapon); 228.3 (Illegal purchase, transfer, sale, storage, transportation, or carrying of firearms, accessories, or supplies (except for smooth-bore hunting weapons and ammunition), explosives, and facilities, committed by an organized group)

**Place of detention:** Prison No. 1

#### **48. Dayanat Alaskar oglu Samadov**

**Date of arrest:** 8 January 2011

**Charges:** Criminal Code Articles 28, 214.2.1 (Preparation of a crime committed with advance arrangement by a group of persons, an organized group, or a criminal community or organization); 28, 214.2.3 (Preparation of a crime committed with the application of firearms or objects used as a weapon); 228.3 (Illegal purchase, transfer, sale, storage, transportation, or carrying of firearms, accessories, or supplies (except for smooth-bore hunting weapons and ammunition), explosives, and facilities, committed by an organized group)

**Place of detention:** Prison No. 12

**49. Movsum Mardan oglu Samadov****Date of arrest:** 20 January 2011

**Charges:** Criminal Code Articles 28, 214.2.1 (Preparation of a crime committed with advance arrangement by a group of persons, an organized group, or a criminal community or organization); 28, 214.2.3 (Preparation of a crime committed with the application of firearms or objects used as a weapon); 228.3 (Illegal purchase, transfer, sale, storage, transportation, or carrying of firearms, accessories, or supplies (except for smooth-bore hunting weapons and ammunition), explosives, and facilities, committed by an organized group); and 278 (Actions directed for the violent capture of power or violent deduction of power in infringement of the Constitution of the Azerbaijan Republic, as well as directed violent change of the constitutional grounds of the state)

**Place of detention:** Prison No. 11

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*c. Cases of religious activists arrested in May 2012*

Nine people were arrested in connection with the case against journalist Nijat Aliyev, which is detailed in the first section of this report. Some of these are youths who, like Nijat Aliyev, believed that an LGBT parade could be held in Baku on the eve of the Eurovision Song Contest in May 2012, and considered this as unacceptable according to Islam. These activists also had attended the peaceful protest against the hijab ban in schools in late 2010. Some had published articles on the website that Aliyev edited and assisted to disseminate information.

Along with Aliyev, the activists decided to clearly express their position by protesting the destruction of houses in the run-up to Eurovision, (which had been destroyed without due compensation or an official court order), as well as the trumped-up arrests of religious followers, and the issues of the LGBT parade. They prepared CDs with speeches of theologians Abgul Suleymanov and Tale Bagirov (both of whom are in prison under false charges), a speech by Azerbaijan Medical University teacher Rashid Mammadov that aired on ANS TV, which was about LGBT issues, as well as excerpts from various protests on social issues, and scenes from some Azerbaijani movies. As noted in the court ruling, they spread these CDs “publicly” at various places in Baku. In their testimonies in the trial, the defendants said they had been attempting to express their positions in this way.

An expert from the State Committee on Work with Religious Organizations issued a report on 28 June 2012, stating that the content of the untitled CDs, as well as those titled “Eurovision 1,” propagated intolerance and hatred against the state structure and state bodies, and were aimed at sparking confrontation. The court did not grant the motion requesting an independent examination of the CDs. In addition, expert Nahid Gadir oglu Mammadov failed to explain what methodology had been used in the examination, and how he came to the conclusion that the content was of a negative nature. To most questions he gave answers such as “I don’t remember,” and “I have forgotten.” Stating that the expert was not ready to answer questions, the lawyers requested additional time for him to prepare, but the judge did not grant the motion and announced that the questioning had concluded.

The evidence provided by the investigation on other charges brought against the defendants included the testimonies of police employees and case witnesses. But conflicting points in the testimonies came out during questioning in the trial.

Nijat Aliyev and Elvin Nasirov were subject to torture at the time of their arrests. As a result, two of Aliyev’s teeth were broken, and his eardrum was injured. Although both reported this in the trial, the judge decided only to address a letter to the Baku Investigative Prison to examine whether there was evidence of torture on their bodies at the time of transfer to the prison. The letter received from the prison said there was not.

Initially, two of the defendants, Valeh Abdullayev and Ali Aliyev, were not sentenced to a pre-trial detention, but they signed a statement committing not to travel. However, in contradiction with standard practices, the court did not sentence them to conditional arrest.

## **50. Valeh Mammadaga oglu Abdullayev**

**Date of arrest:** 9 December 2013

**Charges:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the

intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group); 281.2 (Public appeals for the violent capture of authority, violent deduction of authority, violent change to constitutional grounds, or infringement of the territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such content, committed by a group of persons); and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Abdullayev was sentenced to eight years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013.

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## 51. Gorkhmaz Huseyn oglu Jamalov

**Date of arrest:** 18 January 2013

**Charges:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group); 281.2 (Public appeals for the violent capture of authority, violent deduction of authority, violent change to constitutional grounds, or infringement of the territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such content, committed by a group of persons); and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)



**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Jamalov was sentenced to seven years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013.



## 52. Ali Etibar oglu Aliyev

**Date of arrest:** 9 December 2013

**Charges:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group) and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on

the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Aliyev was sentenced to four years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013.



### 53. Elimkhan Gurbankhan oglu Huseynov

**Date of arrest:** 22 May 2012

**Charges:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group) and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Huseynov was sentenced to seven years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013.

### 54. Samir Khanpasha oglu Huseynov

**Date of arrest:** 23 May 2012

**Charges:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group); 228.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition), or explosives); 228.4 (Illegal purchase, sale or carrying of gas weapons, cold steel, including throwing weapons, except for districts where carrying of cold steel is an accessory of a national costume or connected to hunting) and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Huseynov was sentenced to six years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013. The Baku Court of Appeals upheld the decision on June 27, 2014.

## **55. Safar Rovshan oglu Mammadov**

**Date of arrest:** 9 December 2013

**Charge:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group) and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Mammadov was sentenced to three years and four months in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013. The Baku Court of Appeals upheld the ruling on June 27, 2014.

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## **56. Elvin Nuraddin oglu Nasirov**

**Date of arrest:** 20 May 2012

**Charge:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group); 234.4.1 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, committed with preliminary arrangement by a group of persons or an organized group); 234.4.3 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, in a large amount); 281.2 (Public appeals for the violent capture of authority, violent deduction of authority, violent change to constitutional grounds, or infringement of the territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such content, committed by a group of persons); and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Nasirov was sentenced to nine years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013.

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## **57. Jeyhun Zabil oglu Safarli**

**Date of arrest:** 20 May 2012

**Charge:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group); 234.4.1 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, committed with preliminary arrangement by a group of persons or an organized group); 234.4.3 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, in a large amount); 281.2 (Public appeals for the violent capture of authority, violent deduction of authority, violent change to constitutional grounds, or infringement of the territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such content, committed by a group of persons); and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Safarli was sentenced to nine years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013. The Baku Court of Appeals upheld the ruling on June 27, 2014.

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## 58. Emin Yadigar oglu Tofidi

**Date of arrest:** 16 January 2013

**Charge:** Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group) and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Tofidi was sentenced to 3.5 years in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December 2013. The Baku Court of Appeals upheld the ruling on June 27, 2014.

### *d. Cases of religious activists arrested in the Masalli region*

Six religious followers living in the Masalli region were arrested along with journalist Araz Guliyev, whose case is detailed in the first section of this report. Some are friends of Guliyev, one (Nijat Aliyev) is a relative of his, and the others are his acquaintances. Some of these people helped Guliyev to collect information for the website he edited, [www.xeber44.com](http://www.xeber44.com).

Some had also attended the peaceful protest against the hijab ban in late 2010. Of those arrested, only Ziya Tahirov was near Guliiev on the day of his arrest. Rza Agali was arrested on 6 September 2012, like Guliiev. The others were arrested on different dates. Nonetheless, they were all found guilty of throwing stones at people during a disco party held as part of a folklore festival in the Masalli region, as well as other charges. There is no doubt that they were arrested for helping Guliiev. Their arrest was also intended to make the charge against Guliiev more serious, by claiming that the crime was committed by an organized group.

During the trial, the doubtful and questionable testimonies against the defendants were accepted as more reliable evidence than testimonies given in their favor. For instance, only one witness, Hajali Javadov, claimed that Kazimov was at the scene of the incident, while the other witnesses who were reportedly there at the same time, said they had not seen Kazimov. Moreover, the search, which allegedly uncovered narcotic substances in Kazimov's house, was conducted without his or his lawyer's presence. The final court verdict does not show what concrete crimes the defendants committed. The court issued long-term prison sentences to those illegally arrested in this incident. The fact that some of in Guliiev circle were charged with forming criminal groups, and that this charge was not brought against other defendants who were found guilty for the same incident, shows that the indictment was drafted hastily and under false grounds.



### **59. Rza Gorkhmaz oglu Agali**

**Date of arrest:** 9 September 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions); 315.2 (Resistance or use of force against a representative of authority); and 324 (Actions insulting the state flag or state emblem of the Republic of Azerbaijan)

**Place of detention:** Prison No. 14

**Case background:** On 5 April 2013, Agali was sentenced to seven years in jail under a decision issued by Lankaran Court of Grave Crimes Judge Nizami Guliiev. Shirvan Court of Appeals Judge Kamran Akbarov upheld this ruling on 9 January 2014.



### **60. Suraj Valeh oglu Agayev**

**Date of arrest:** 15 September 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions); 315.2 (Resistance or use of force against a representative of authority); and 324 (Actions insulting the state flag or state emblem of the Republic of Azerbaijan)

**Place of detention:** Prison No.5

**Case background:** On 5 April 2013, Agayev was sentenced to five years in jail under a decision issued by Lankaran Court of Grave Crimes Judge Nizami Guliyev. Shirvan Court of Appeals Judge Kamran Akbarov upheld this ruling on 9 January 2014.

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### 61. Nijat Yaser oglu Aliyev

**Date of arrest:** 18 September 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions); 315.2 (Resistance or use of force against a representative of authority); and 324 (Actions insulting the state flag or state emblem of the Republic of Azerbaijan)

**Place of detention:** Prison No. 16

**Case background:** On 5 April 2013, Aliyev was sentenced to 4.5 years in jail under a decision issued by Lankaran Court of Grave Crimes Judge Nizami Guliyev. Shirvan Court of Appeals Judge Kamran Akbarov upheld this ruling on 9 January 2014.

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### 62. Khalid Nofal oglu Kazimov

**Date of arrest:** 14 September 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions); 234.4.3 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, in a large amount); 315.2 (Resistance or use of force against a representative of authority); and 324 (Actions insulting the state flag or state emblem of the Republic of Azerbaijan)

**Place of detention:** Prison No. 6

**Case background:** On 5 April 2013, Kazimov was sentenced to eight years in jail under a decision issued by Lankaran Court of Grave Crimes Judge Nizami Guliyev. Shirvan Court of Appeals Judge Kamran Akbarov upheld this ruling on 9 January 2014.

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### 63. Namig Alisa oglu Kishiyev

**Date of arrest:** 18 September 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions); 315.2 (Resistance or use of force against a

representative of authority); and 324 (Actions insulting the state flag or state emblem of the Republic of Azerbaijan)

**Place of detention:** Prison No.5

**Case background:** On 5 April 2013, Kishiyev was sentenced to 4.5 years in jail under a decision issued by Lankaran Court of Grave Crimes Judge Nizami Guliyev. Shirvan Court of Appeals Judge Kamran Akbarov upheld this ruling on 9 January 2014.

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#### **64. Ziya İbrahim oglu Tahirov**

**Date of arrest:** 9 September 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions); 315.2 (Resistance or use of force against a representative of authority); and 324 (Actions insulting the state flag or state emblem of the Republic of Azerbaijan)



**Place of detention:** Prison No.5

**Case background:** On 5 April 2013, Tahirov was sentenced to seven years in jail under a decision issued by Lankaran Court of Grave Crimes Judge Nizami Guliyev. Shirvan Court of Appeals Judge Kamran Akbarov upheld this ruling on 9 January 2014.

**e. Cases of those detained in connection with the “Freedom for hijab” protest held on 5 October 2012**

In the autumn of 2010, the Ministry of Education imposed a ban preventing schoolchildren wearing the hijab (headscarf) from entering schools. This led to disappointment among religious Azerbaijanis, resulting in various campaigns and protests. Following a small protest held in December 2010 against the hijab ban, the first mass mobilization against the ban took place on 6 May 2011 in front of the Ministry of Education. The peaceful protest was dispersed by police and plain-clothed employees of law-enforcement agencies. As a result, a high number of protesters were detained. Twelve of them received imprisonment terms from 1.5 to three years, and charged with hooliganism and violation of public order with no proof. Some of the detainees, who served their sentences or received early release, are not included in this report. Nonetheless, the Legal Protection and Awareness Society considers them as former political prisoners, and can provide further information to those who are interested.

The second mass protest took place before the Ministry of Education on 5 October 2012 (5 October is celebrated as the Day of Teachers in Azerbaijan, and this day was selected symbolically to draw attention to the situation). Police efforts to disperse the peaceful action through force led to confrontations. Consequently, the number of detainees exceeded that of those arrested on 6 May 2011. Both protesters and police employees sustained physical injuries. All persons arrested for attending the protest are included in this list.

Observation and analysis of photos and videos of the protest show that the action was peaceful and protesters refrained from confronting the police and the plain-clothed employees of other law-enforcement agencies. But after the use of force by police, some of the protesters attempted to defend themselves. The photos and videos clearly showed that the provocateurs were posing as protesters, throwing wooden sticks bearing protest slogans and imitating resistance of law enforcement. This was done to fuel claims that the action was not peaceful. None of the provocateurs, who are clearly seen in the photos and videos, have been detained. But all others – even those whose faces were only shown in photos and videos, those who had not resisted police, and those who were late to the protest – were detained and imprisoned under court order. The main evidence cited when issuing the court decisions were police testimonies. But questions regarding the reliability of the testimonies have arisen due to the fact that these police were on the opposing side during the protest. The owners of shops and taxi drivers operating around the Ministry of Education, who were involved as witnesses, said that they had not seen the defendants at all. The punishment for the police violence against the peaceful protesters in this case was inadequate.

Information about those arrested for participating in the protest was not publicized for a long while. Their trials were held in groups.



**65. Tarlan Faiq oglu Agadashov**

**Date of arrest:** 5 October 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to

life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 16

**Case background:** Agadadashov was sentenced to 5.5 years in jail under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling on 19 December 2013.

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## 66. Rovshan Huseyn oglu Allahverdiyev

**Date of arrest:** 5 October 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 16



**Case background:** Allahverdiyev was sentenced to 5.5 years of imprisonment under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling on 19 December 2013.

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## 67. Nasimi Yusif oglu Hasanov

**Date of arrest:** 6 October 2012

**Charges:** Criminal Code Articles 228.1 (Illegal purchase, transfer, sale, storage, transportation, or carrying of firearms, accessories, or supplies (except for smooth-bore hunting weapon and ammunition), explosives, or facilities) and 234.1 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption)

**Place of detention:** Prison No. 16

**Case background:** Hasanov was in fact arrested in connection with his participation in the “Freedom for hijab” protest held on 5 October 2012, but was charged under unrelated articles of the Criminal Code. A few days following his return to the Barda region, information was spread about police searches for Hasanov, (although police had not even visited his house). After dissemination of this information, Hasanov voluntarily went to the Barda Regional Police Department, saying that he was in Barda. While Hasanov was being questioned at the police station with regard to his participation in the protest, police employees went to his house to get the keys to his car from his father. Hasanov’s father only gave them the keys after calling Hasanov himself. After the search, it was stated that a weapon had been found in the car, and 24 packets of narcotic substances in Hasanov’s pocket, all while he was voluntarily present at the police station. The testimonies of the police and case witnesses in the trial contained many conflicting statements to their initial testimonies. For instance, when

asked about the color of Hasanov's car, the case witness of the car search, Ahmad Sariyev, said, "it was either white or black." Asked about the date of Hasanov's arrest, one of the police employees answered "5 October," although Hasanov had been arrested at a later date. Nonetheless, Hasanov was sentenced to four years in jail on 27 July 2013.

Hasanov (date of birth: 2 July 1977) is married. He has a daughter who has suffered from paralysis since birth.

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## **68. Ilham Bahman oglu Hatamov**

**Date of arrest:** 5 October 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 14

**Case background:** Hatamov was sentenced to 5.5 years in jail under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling on 19 December 2013.

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## **69. David Tarlan oglu Karimov**

**Date of arrest:** 5 October 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 16

**Case background:** Karimov was sentenced to six years in jail under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling on 19 December 2013.

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## **70. Anar Asgar oglu Gasimli**

**Date of arrest:** 5 October 2012

**Charge:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 14

**Case background:** Gasimli was sentenced to 5.5 years in jail under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling on 19 December 2013.

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## 71. Nahid Nasib oglu Gahramanov

**Date of arrest:** 5 June 2013

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Gahramanov was sentenced to four years in jail under a 21 October 2013 decision of the Narimanov District Court. 17,000 AZN in funds, which was acquired by Gahramanov from the sale of land owned by his parents, was confiscated with no connection to the charge and has not yet been returned.

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## 72. Jeyhun Garyagdı oglu Guliyev

**Date of arrest:** 5 October 2012

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 14

**Case background:** Guliyev was sentenced to five years in jail under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling on 19 December 2013.

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## 73. Muraday Mursal oglu Guluyev

**Date of arrest:** 5 October 2012

**Charge:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 17

**Case background:** Guluyev was sentenced to five years in jail under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling on 19 December 2013.

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#### **74. Aydin Canbakhish oglu Mammadov**

**Date of arrest:** 5 October 2012

**Charge:** Criminal Code Article 233 (Organization of actions promoting infringement of a social order or active participation in such actions)

**Place of detention:** Prison No. 17

**Case background:** Mammadov was sentenced to two years and three months in jail under a 4 June 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld this ruling in July 2013.




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#### **75. Elshad Fikrat oglu Rzayev**

**Date of arrest:** 23 February 2013

**Charges:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 16

**Case background:** Rzayev was sentenced to six years in jail under a 3 June 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld the decision in August 2013.

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#### **76. Telman Shirali oglu Shiraliyev**

**Date of arrest:** 5 October 2012

**Charge:** Criminal Code Articles 233 (Organization of actions promoting infringement of a social order or active participation in such actions) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 16

**Case background:** Rzayev was sentenced to six years in jail under a 22 April 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld the decision on 19 December 2013.

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## **77. Ramil Rahim oglu Valiyev**

**Date of arrest:** 5 October 2012

**Charges:** Criminal Code Articles 167.2.1 (Import, sale, and distribution of religious literature, religious items and other informational materials of a religious nature with the aim of reproduction, sale and distribution without appropriate authorization); 233 (Organization of or active participation in actions leading to a breach of public order) and 315.2 (Use of violence dangerous to life or health, concerning a representative of authority in connection with the performance of official duties)

**Place of detention:** Prison No. 5

**Case background:** Valiyev was sentenced to six and half years in jail under a 3 June 2013 decision of the Narimanov District Court. The Baku Court of Appeals upheld the decision in August 2013.

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## **78. Ruhid Nariman oglu Abbasov**

**Date of arrest :** 5 October 2012

**Charges:** Article 233 of the Criminal Code(Organization of actions promoting infringement of a social order or active participation in such actions)

**Case background:** Ruhid Abbasov arrested during a peaceful protest held in front of Ministry of Education against hijab ban in secondary schools. On 4 June 2013 Narimanov District Court issued a desicion sentencing him to two years in prison. Baku Cort of Appeals upheld the decision on 10 October 2013.

## **79. Khudaverdi Yashar oglu Abdullayev**

**Date of arrest:** 5 October 2012

**Charge:** Article 233 of the Criminal Code (Organization of actions promoting infringement of a social order or active participation in such actions)

**Case background:** Khudaverdi Abdullayev arrested on 5 October 2012 in front of Ministry of Education during a peaceful protest against hijab ban. On 20 May 2013, Narimanov District Court issued a desicion sentencing him to two years in prison.

## **80. Arif Boyukaga oglu Fataliyev**

**Date of arrest:** October 5 2012

**Charges:** Article 233 of the Criminal Code (Organization of actions promoting infringement of a social order or active participation in such actions)

**Case background:** Arif Fataliyev was arrested on 5 October 2012, in front of Ministry of Education in a peaceful protest against hijab ban. On 3 June 2013 Narimanov District Court issued a desicion sentencing him to two years in prison.

### **81. Bayramali Gurbanali oglu Valishov**

**Date of arrest:** October 5, 2012

**Charges:** Article 233 of the Criminal Code (Organization of actions promoting infringement of a social order or active participation in such actions)

**Case background:** Valishov Bayramali arrested on 5 October 2012, in front of Ministry of Education in a peaceful protest against hijab ban in secondary schools. On 4 June 2013, Narimanov District Court issued a desicion sentencing him to two years in prison.

*f. Theologians*

## 82. Tale Kamil oglu Bagirov

**Date of arrest:** 31 March 2013

**Charges:** Criminal Code Article 234.1 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)



**Case background:** Bagirov, a well-known theologian, is a serious critic of the Azerbaijani authorities. He has criticized the government for restrictions on religion, as well as other issues. On 24 March 2013, a week before his arrest, Bagirov gave a speech at the mosque, where he blamed the authorities for corruption and making arrests on false charges, calling on religious followers not to be afraid of “the oppression of a dictator.” Bagirov posted the video of his speech onto YouTube<sup>36</sup> and other social media networks on 25 March. He named the video “Haji Tale responds to the threats of authorities.” After this speech, the theologian was detained by plain-clothed police. For several days, there was no information about him. Later it was claimed that drugs had been found on Bagirov, and he was sentenced to pre-trial detention. ***On 1 November 2013, Sabunchu District Court sentenced Bagirov to two years in jail.***

Previously, Bargirov had been arrested for his participation in a peaceful protest held against the hijab ban in 2011, under Article 221.2 (Hooliganism committed by a group of persons), and 233 (Organization of actions promoting infringement of a social order or active participation in such actions), and sentenced to 1.5 years in jail. After serving his sentence, he was released on 6 November 2012, four months before he was arrested again. Bagirov’s case is covered in the U.S. State Department’s Human Rights Report for 2013<sup>37</sup>.

## 83. Abgul Neymat oglu Suleymanov

**Date of arrest:** 12 August 2011



**Charges:** Criminal Code Articles 228.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition), explosives and facilities); 233 (Organization by a group of persons of actions breaking social order or connected to insubordination of legal requirements of a representative of authority, or infringement of the normal activity of transport, enterprise, establishment, or organization, as well as active participation in such actions); 234.1 (Illegal purchase or storage with intent to

<sup>36</sup> <http://bit.ly/1piV8BG>

<sup>37</sup> <http://1.usa.gov/18BOn4u>

sell, manufacture, process, transport, or transfer narcotics or psychotropic substances); 234.4.3 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, in a large amount); and 283.2.1 (Actions directed to incite national, racial or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media committed with the application of violence or with the threat of violence)

**Place of detention:** Prison No. 8

**Case background:** Suleymanov is well known in Azerbaijan as a religious activist and is influential religious figure. Suleymanov, who has taught the Koran and Islam since 2001, helped to establish the National Moral Values Public Union in 2005. The same year, he took an active part in the protest held in front of the Ministry of Foreign Affairs against Danish cartoons of the Prophet Mohammad. Suleymanov also took part in peaceful protests held in front of the Israeli Embassy in Baku on International Jerusalem Day each year between 2006 and 2010. Following a decision issued by the Economic Court related to the destruction of the Fatimeyi-Zahra mosque in 2009, Suleymanov organized a peaceful protest in front of the Baku City Executive Committee. He also made a number of speeches from 2009 to 2010 severely criticizing the destruction of other mosques. The religious activist took part in both protests against the hijab ban in schools (imposed by the Ministry of Education in late 2010). He spoke to the media, calling the decision illegal. Facing persecution after the May 2011 protest against the hijab ban, Suleymanov was arrested in August 2011.

On 12 August 2011, the Ministry of National Security (MNS) and the Prosecutor General's Office released a joint statement claiming Suleymanov, journalist Ramin Jahangir oglu Bayramov, and Azerbaijan Islamic Party member Arif Gulsuvar oglu Ganiyev were suspected of assisting a foreign state and its delegates in conducting enmity against Azerbaijan, as well as inciting mass unrest and violation of public safety, and encouraging people toward disobedience. The statement goes on to say that Suleymanov, with financial support from the Baku-based Cultural Center of the Islamic Republic of Iran, created and led a radical religious group called "Jafari" without official state registration. Group members allegedly promoted religious radicalism and organized, prepared, and distributed pamphlets, that propagated religious division and discrimination, to religious followers. The website [www.Islam-Azeri.az](http://www.Islam-Azeri.az) was allegedly created by a so-called "Jafari radical religious group" to promote propaganda, with Ramin Bayramov assigned to take the lead on the website.

All three were sentenced to pre-trial detention. Although they were subjected to a joint investigation, their trials were conducted separately, in conflict with the statement released on 12 August. The district courts sentenced Ramin Bayramov and Arif Ganiyev to 1.5 years in jail (Ramin Bayramov was recognized by Amnesty International as a prisoners of conscience; both men have since been released). But Suleymanov's case was heard by the Baku Court of Grave Crimes. The trial started in August 2012. The last decision about Suleymanov's pre-trial detention was issued by the Sabayil District Court on 6 April 2012. The decision stated that his pre-trial detention was extended to 11 May 2012 – Suleymanov was detained in prison for three months (from May to August 2012) illegally, without a court decision.

*Suleymanov was sentenced to eleven years in jail under a 10 August 2012 decision issued by Baku Court of Grave Crimes.* Baku Court of Appeals Judge Mirpasha Huseynov upheld the sentence on 23 January 2013.

The court investigators has no grounds for claimings that drugs were found on Suleymanov and in his house, and that the drugs allegedly found were not intended for sale. In addition, an expert issued an opinion saying that Suleymanov was not a drug user. The court, however, believed the Ministry of National Security employees and case witnesses gave conflicting testimonies without being fully aware of the issue. The court was not interested in further investigation into the matter. One of the charges brought against Suleymanov was connected with the peaceful protest against the hijab ban at schools held on 10 December 2010.. Although dozens of protesters were arrested at the time, most of them were later released, but some were sentenced to administrative detention. No one else was criminally charged. The fact that Suleymanov alone was indicted for this action indicates that he was persecuted for his political activities, and that the charge is false. The charge regarding incitement of national, social or religious hatred with the use of violence or the threat of violence is connected to his November 2010 speech in the mosque. In his speech, Suleymanov criticized the destruction of mosques and the hijab ban at schools, and stressed the need to hold protests against it. This speech was filmed by attendees and later posted on social networking sites. The investigators assessed the call for protest as a call for the use of violence. But they could not prove that Suleymanov's speech was indeed an expression of hatred.

The issues noted in the joint statement of the Ministry of National Security and the Prosecutor General's Office that were released on 12 August 2011, particularly the accusations of the establishment of a criminal group, that the group had received instructions from Iran, the operation of Bayramov's website, and other issues of this kind, were not covered in the investigation or the trial. This shows that Suleymanov was arrested hastily and under a political order. (The statement still remains on the Ministry's website).<sup>38</sup>

Although Suleymanov was initially sent to Prison No.13, he was soon transferred to a single cell. Prison management introduced petitions claiming that Suleymanov had violated internal order in the prison. Based on these petitions, Garadagh District Court Judge Fuad Hasanov issued a decision on 24 April 2013 (a month after Suleymanov was transferred to the prison), to transfer Suleymanov to the Gobustan Closed Prison, (which has grave detention conditions) for six months. As a result of the appeals of this decision, Suleymanov was not transferred to Gobustan Prison. But he was transferred to Prison No. 8, which is not much better than Gobustan, in January 2014 to serve the remainder of his term.

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<sup>38</sup> <http://bit.ly/1hiq3vA>

### **g. The “Nurchu”/Nursist case**

Criminal case #1086 was initiated by the Ministry of National Security. On April 12 2014, Ismayil Mammadov Isakh and Eldaniz Hajiiev Balamat were detained, and on 14 April 2014 the court issued a decision for a two months pre-trial detention<sup>23</sup>. In May 2014, another of the accused, Ravan Sabzaliyev Hakim, was placed in pre-trial detention for two months. The pre-trial detentions of all three men were extended for two more months. According to the case documents, several residents of Baku reported to police that religious community members were gathering at different times in a house in their neighborhood, disturbing the comfortable life they tried to lead.

On the very same day, joint forces of the Ministry of National Security and the Ministry of Internal Affairs conducted an operation and detained individuals in the house, while they were reading books and praying. The charges read that three people violated other's rights by reading the religious verses. They were also accused of involving two minors in these activities. The fact that two government ministries demonstrated such a rapid reaction to a mundane complaint made by neighborhood residents, suggests that the operation was planned in advance, with an intention to detain those reading and praying at any stake.

The intention of the religious group was to promote the “Sungurchu” branch of the “Nurchu” (Nursist) movement, which is based on the books of the Sunni author, Said Nursi. Although the men were peaceful in their activities, and there was no evidence or even a possibility that they used violence or violated the law, all of them were immediately placed in pretrial detention. Article 168.2 of the Criminal Code, which all three accused are charged with, includes sanctions of fines or imprisonment of up to three years as a severe punishment. The hasty arrest of the accused, lack of evidence in the case documents, negligence on the part of the court to acknowledge those facts, strongly indicates that the men were prosecuted because of their religious views. Expert examination of the literature found in possession of these individuals, concluded that the books read and distributed in the group did not carry a content that were in violation of the law.

#### **84. Ismayil Isakh oglu Mammadov**

**Date of Detention:** Pretrial detention decision was made on 14 April 2014

**Charges:** Article 168.2 of the Criminal Code. Implementation of religious activities and thus infringing rights of the citizens (Involving minors in commitment of these acts)

**Place of detention:** Ministry of National Security Detention Facility

**Case Background:** The case materials accuse Ismayil Mamamgov Isakh of conducting religious classes and promoting religion during these covert meetings. The literature, video recordings, and audio materials made by Isakh and the other members, were confiscated at the location of the religious gatherings. The expert examination of the content did not find any contradiction to, or violation of the law. Nevertheless, Isakh and the other members continues. The pre-trial detention of one member, Ismayil Mammadov, was imposed on 14 April, only to be extended two months later. He is currently kept in the Ministry of National Security's Detention Facility. Mammadov has tuberculosis, and defense lawyer confirms that the conditions at the detention facility are not suitable for his health.

## **85. Ravan Hakim oglu Sabzaliyev**

**Detention date:** Pretrial detention decision was made on 23 May 2014.

**Charge:** Article 168.2 of the Criminal Code. Implementation of religious activities and thus infringing rights of the citizens (Involving minors in commitment of these acts)

**Place of Detention:** Ministry of National Security Detention Facility

**Case Background:** The case materials accuse Ravan Sabzaliyev Hakim of conducting religious classes and promoting religion during these covert meetings. The literature, video recordings, and audio materials made by Hakim and the other members, were confiscated at the location of the religious gatherings. The expert examination of the content did not find any contradiction to, or violation of the law. Nevertheless, he is still detained at the Detention Facility of the Ministry of National Security. The pretrial detention term was extended.

## **86. Eldaniz Balamat oglu Hajiyev**

**Date of detention:** pretrial detention decision was made on 14 April 2014.

**Charged:** Article 168.2 of the Criminal Code. Implementation of religious activities and thus infringing rights of the citizens (Involving minors in commitment of these acts)

**Place of Detention:** Ministry of National Security Detention Facility

**Case Background:** Eldaniz Hajiyev is one of the organizers of the courses promoting books of Said Nursi. The case materials accuse Balamat of conducting religious classes and promoting religion during these covert meetings. The literature, video recordings, and audio materials made by Hajiyev and the other members, were confiscated at the location of the religious gatherings. The expert examination of the content did not find any contradiction to, or violation of the law. Hajiyev is still in detention. The pre-trial detention decision made on 14 April, and was extended for two more months.

## F. LIFETIME PRISONERS

### a. Cases of former Special Purpose Police Detachment (SPPD) members

The Special Purpose Police Detachment was established based on the Takamul (“Evolution”) Party, founded by Rovshan Javadov and his brother Mahir Javadov in 1987. Because of the war between Azerbaijan and Armenia following the collapse of the Soviet Union, and due to separatist developments in Nagorno-Karabakh in 1988, Javadov ordered the militarization of the party. Following initial battles in the war, Javadov rose to the rank of colonel, and his unit was named the “Special Purpose Police Detachment” (SPPD). In 1991, SPPD members were awarded the title of “National Heroes” for their role in the war. In 1993, Javadov was appointed by former President Heydar Aliyev (father of President Ilham Aliyev), to the position of Deputy Minister of Internal Affairs. Javadov had played a crucial role in Heydar Aliyev coming to power.

However, shortly thereafter, serious disagreements emerged between Javadov and Heydar Aliyev, and gradually escalated. In January 1995, Elchin Amiraslanov, newly appointed Commander of the Gazakh branch of the SPPD, and members of SPPD Gazakh, stopped the smuggling of oil from the Shikli village of the Gazakh region to Armenian territory. They handed over 22 tankers to the Gazakh Regional Police Department. Amiraslanov made a speech on a state-run television station criticizing the decision not to detain those who had attempted to move oil into Armenia. Following this, the conflicts between SPPD members and Heydar Aliyev grew to become an open fight. On 13 March 1995, there was an attack on the SPPD Gazakh branch, and a bloody battle ensued. On 14 March, Minister of Internal Affairs Ramil Usubov (who remains minister to this day), issued an order to discharge SPPD and seize their arms within three days. However, an armed confrontation took place between interior troops and SPPD members on the night of 16 March near the SPPD Baku office. As a result, Rovshan Javadov passed away in the hospital of the Ministry of Internal Affairs due to the heavy wounds he sustained.

This incident was followed by countrywide arrests of SPPD members. The arrested, and later imprisoned, SPPD members were charged with revolting, in addition to committing murders over a number of years. Imprisoned SPPD members either passed away in custody, or were released from prison under pardon decrees in the following years, as political or presumed political prisoners. The last pardon decree resulted in the release of former SPPD member Shamsi Abdullayev in December 2012. Nonetheless, there are still several SPPD members in prison.

According to the main charge brought against the prisoners, Safa Poladov and Arif Kazimov, under the instructions of Elchin Amiraslanov, killed the regional Police Chief in Gazakh, and the Gazakh-Agstafa Chief of the Ministry of National Security at a restaurant called “Akasiya,” located in the Gazakh region. Amiraslanov was also charged with participating in the murder of Special Office Chief Shamsi Rahimov, and Deputy Head of the National Assembly Afiyaddin Jalilov. Although all three defendants were charged with high treason and sentenced to death, there was lack of evidence to substantiate these charges. The relatives of the victims stated that they had no complaints against the prisoners, and said that the accused men had not killed their relatives. Instead, the relatives said that the murders had been in connection with the investigation into the transfer of oil to Armenia.

Nonetheless, Amiraslanov, Kazimov, and Poladov were given the death penalty by the Supreme Court of Azerbaijan on 28 November 1997, based on the Criminal Code approved under the 8 December 1960 law of the Azerbaijan SSR. At the time, the law did not allow for appeal against the decision. Amiraslanov was sentenced to fifteen years in prison during a 22 September 2000 ruling of the Supreme Court. The ruling incorporated his previous sentence of life in prison, which replaced his initial sentence of the death penalty. When Azerbaijan abolished the death penalty in 1998, Amiraslanov's initial sentence to death, was replaced by life in prison.

In interviews and articles in the media between 2010 and 2011, former Minister of National Security, officer Ramin Nagiyev, (now living abroad under political asylum), stated that the murders, which were claimed to have been committed by SPPD members, were actually committed by former Head Operation Officer of the Ministry of Internal Affairs Main Criminal Search Office, Haji Mammadov, who was arrested in 2005. Nagiyev had been a member of the investigation team looking into the murder of Shamsi Rahimov and Afiyaddin Jalilov, before he was expelled from the investigation in 1995 with no reason given.<sup>39</sup> Nagiyev's statements have not been officially dismissed.

#### ***Lifetime imprisonment sentence could not have been applied.***

On 10 February 1998, the National Assembly passed a law amending the Criminal Code, the Criminal Procedure Code, and the Correction-Labor Code, abolishing the death penalty in Azerbaijan. Article 4 of this law states that the punishment of those sentenced to death prior to the law taking force, shall be replaced with a sentence of life in prison. However, replacing death penalty sentences with life in prison contradicts other legislation.

According to Article 147 of the Constitution of Azerbaijan, adopted on 12 November 1995, the Constitution has the highest legal power in Azerbaijan. The Constitution serves as the basis of the country's legislative system. According to the seventh item of Article 149 of the Constitution, normative-legal acts improving the legal situation of physical persons and legal entities, eliminating or mitigating their legal responsibility, have reverse power. Other normative-legal acts have no reverse power.

According to Article 23 of the Criminal Code, under which the SPPD members were charged, when the death penalty was replaced with imprisonment through pardon, the prison sentence could be more than fifteen years, but no more than twenty years. As such, the replacement of the death penalty with sentences of life in prison for the SPPD members far exceeds alternative punishments envisaged in the 8 December 1960 law of the Azerbaijani SSR, under which they were charged. That is, according to the Criminal Code approved under the 8 December 1960 law of Azerbaijani SSR, if the death penalty is annulled in any manner (such as through pardon), that penalty could be replaced with an imprisonment term for more than fifteen years, but not more than twenty years. In the case of the SPDD members, the death penalty should have been replaced with a maximum sentence of 20 years of imprisonment. Additionally, according to Item 7 of Article 149 of the Constitution, the National Assembly should not have replaced the death penalty sentence under the 10 February 1998 law. The 1998 law worsened the legal state of the prisoners, therefore the amended sentences should have been made under the Criminal Code of 8 December 1960. Furthermore, the 10 February 1998 law, which replaced the death penalty sentences of the SPPD members with life in prison, became null on 1 September 2000, when the new Criminal Code took effect.

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<sup>39</sup> <http://bit.ly/1f0C3kt>

### ***The Council of Europe considers these persons to be political prisoners***

On 31 January 2001, a few days after Azerbaijan and Armenia joined the Council of Europe on 25 January, the Committee of Ministers approved an initiative of Secretary General Walter Schwimmer concerning the assignment of three independent experts to investigate a list of 716 presumed political prisoners in Azerbaijan. The Secretary General appointed these experts in February 2001. In July 2001, the experts presented a report covering the conclusions of the investigations concerning the presumed political prisoners in Azerbaijan and Armenia. Item 19 of this report contained a list of 23 persons (due to time constraints and a lack of data, only these cases were investigated), whose cases were assessed by the group of experts and determined to be political prisoners or not. Amiraslanov and Kazimov were on this list, and were considered to be political prisoners.<sup>40</sup> The Parliamentary Assembly of Council of Europe (PACE) adopted Resolution No. 1272 on “Political Prisoners in Azerbaijan” on 24 January 2002. In Item 10 of this Resolution, PACE called on the Azerbaijani government to release Amiraslanov and Kazimov, along with the other political prisoners.<sup>41</sup>

Continuing their activity under their new mandate, the independent experts, in their report of 12 May 2003, concluded that Poladov was also a political prisoner.<sup>42</sup> On 27 January 27 2004, PACE adopted Resolution No. 1359 on “Political Prisoners in Azerbaijan,” and in this document, PACE called for the release of the persons considered to be political prisoners by independent experts.<sup>43</sup> In follow-up to Resolution No. 1359, PACE adopted a report on 31 May 2005. Item 26 of this report stresses that three persons determined to be political prisoners by the independent experts – Amiraslanov, Kazimov, and Poladov – still remained in prison, and expressed concern over this.<sup>44</sup>



Documents adopted by PACE in the following years continued to stress that the three men were political prisoners. A large number of political prisoners, who were not assessed by the independent group of experts, were released from prison in the following years. Although the life sentence of another SPPD member Dayanat Karimov, as well as that of former Prime Minister Surat Huseynov’s cousin, Karamat Karimov, were replaced with 25 years in prison under a pardon decree, Amiraslanov, Kazimov, and Poladov did not receive the same treatment.

All three prisoners have applied to the European Court of Human Rights. They have serious health problems. Amiraslanov suffers from epilepsy, and has undergone an operation. Kazimov and Poladov have also undergone operations.

### **87. Elchin Samad oglu Amiraslanov**

**Date of arrest:** 10 December 1996

**Charges:** Criminal Code (of 1960) Article 57 (High treason); Article 57-1, Parts 2 (Use of the Armed Forces of the Republic of Azerbaijan and other armed units established by the

<sup>40</sup> <http://bit.ly/1hEhLL3>

<sup>41</sup> <http://bit.ly/1h3hjoL>

<sup>42</sup> <http://bit.ly/P93b7e>

<sup>43</sup> <http://bit.ly/1dUqbwR>

<sup>44</sup> <http://bit.ly/1gJUXIg>

legislation of the Republic of Azerbaijan against the Azerbaijani people or constitutional state bodies, resulting in grave consequences) and 15 (Preparation of a crime or attempting a crime); Article 59, Parts 1 (Killing a state figure or public figure or representative of authority with political motivation), 17 (Participation), and 70 (Organizing armed bands to attack state bodies, offices, organizations or public enterprises, offices, organizations or individuals, or participation in such bands and the attacks organized by them); Article 70-2, Parts 1 (Establishing armed units or groups not envisaged in legislation, as well as participating in the establishment or operation thereof, supplying them with arms, weapons, explosives, military equipment or soldier equipment), 3 (Attacking state or public institutions, offices, organizations or individuals in the composition of armed units or groups not envisaged in legislation, leading to death of people or other grave consequences); Article 71 (Smuggling, that is the transfer of goods and other valuable things through the state border of the Republic of Azerbaijan by hiding them in special storage points, or using customs documents and other documentation for deceiving, committed in a large amount or by a group of persons organized to engage in contraband or an officeholder who uses his official position, as well as smuggling explosives, stupefying, strongly influencing or poisoning substances, arms and ammunition, or military equipment); Article 94, Parts 3 (Killing a victim with respect to his fulfillment of his service or public duty), and 95 (Deliberate murder of a person with no aggravating elements (greediness, hooliganism, murdering the victim with respect to his implementation of his job or public duties, murdering two or more persons, murdering a woman who is pregnant, murdering a person with special brutality or in a manner that is dangerous for a number of persons; murdering people with the view to hide another murder or ease fulfillment of it, as well as with regard to raping, deliberate murder of person by a recidivist with special danger or a person who has been earlier convicted) enumerated in Article 94; Article 120, Part 2 (Deprivation of freedom through a method which is dangerous for the victim's life or health or by physically tormenting); Article 145, Part 2, Items 1, 2, 5 and 6 (Robbery committed by a group of persons with preliminary agreement using arms or other objects used as arms, by a person who has earlier committed robbery or banditry with the goal of seizing state property, public property or citizens' personal property, or robbery that inflicted damage to the victim in large amount, that is, an attack related to dangerous violence or a threat to commit such violence that is dangerous for the health or the life of the person who was subjected to the attack, aimed to seize the citizen's personal property); Article 146 (Extortion through threat, that is, requiring a citizen to hand over his right to personal property or undertake actions assuming property by threatening to use violence on the victim or his relatives, disseminating discrediting information about him or destroying his property); Article 194, Part 1 (Making, falsifying, or selling documents that give authority or release from duties or deliberately using falsified documents, as well as making, selling or acquiring false stamps, seals or forms of state institutions, offices, organizations or public institutions, offices, organizations with the view to prepare false documentation); Article 207, Parts 2 (Biased hooliganism, that is, actions that are of distinctively exceptional impudence or special uncontrollability, or related to resisting a representative of authority or a representative of the public fulfilling his duty to protect public order or resisting other citizens overcoming hooliganism actions , as well as actions committed by a person convicted earlier for hooliganism), and 3 (Hooliganism committed by using or attempting to use a fire-arm, knife, knuckle-duster or other side-arms, as well as by other objects specially made to injure body); Article 220, Parts 1 (Carrying, storing, acquiring, making or selling firearms (except for smooth-bore hunting rifles), ammunition or explosive substances), 2 (Carrying, making or selling daggers, Finnish knives, and other side-arms except in cases when they are considered elements of national costumes without permit); and Part 3 of Article 220-1 (Stealing firearms (except for smooth-bore hunting weapons and ammunition), ammunition or explosive substances through a mugging attack or by a particularly dangerous recidivist)

**Place of detention:** Gobustan Closed Prison

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## 88. Arif Nazir oglu Kazimov

**Date of arrest:** 10 December 1996

**Charges:** Criminal Code (of 1960) Article 57 (High treason); Article 59, Parts 1 (Killing a state figure or public figure or representative of authority with political motivation), 17 (Participation), and 70 (Organizing armed bands to attack state bodies, offices, organizations or public enterprises, offices, organizations or individuals, or participation in such bands and the attacks organized by them); Article 70-2, Parts 1 (Establishing armed units or groups not envisaged in legislation, as well as participating in the establishment or operation thereof, supplying them with arms, weapons, explosives, military equipment or soldier equipment) and 3 (Attacking state or public institutions, offices, organizations or individuals in the composition of armed units or groups not envisaged in legislation, leading to death of people or other grave consequences); Article 71 (Smuggling, that is the transfer of goods and other valuable things through the state border of the Republic of Azerbaijan by hiding them in special storage points, or using customs documents and other documentation for deceiving, committed in a large amount or by a group of persons organized to engage in contraband or an officeholder who uses his official position, as well as smuggling explosives, stupefying, strongly influencing or poisoning substances, arms and ammunition, or military equipment); Article 145, Part 2, Items 1, 2, 5 and 6 (Robbery committed by a group of persons with preliminary agreement using arms or other objects used as arms, by a person who has earlier committed robbery or banditry with the goal of seizing state property, public property or citizens' personal property, or robbery that inflicted damage to the victim in large amount, that is, an attack related to dangerous violence or a threat to commit such violence that is dangerous for the health or the life of the person who was subjected to the attack, aimed to seize the citizen's personal property); Article 146 (Extortion through threat, that is, requiring a citizen to hand over his right to personal property or undertake actions assuming property by threatening to use violence on the victim or his relatives, disseminating discrediting information about him or destroying his property); Article 207, Part 2 (Biased hooliganism, that is, actions that are of distinctively exceptional impudence or special uncontrollability, or related to resisting a representative of authority or a representative of the public fulfilling his duty to protect public order or resisting other citizens overcoming hooliganism actions , as well as actions committed by a person convicted earlier for hooliganism); Article 220, Parts 1 (Carrying, storing, acquiring, making or selling firearms (except for smooth-bore hunting rifles), ammunition or explosive substances), 2 (Carrying, making or selling daggers, Finnish knives, and other side-arms except in cases when they are considered elements of national costumes without permit); and Part 3 of Article 220-1 (Stealing firearms (except for smooth-bore hunting weapons and ammunition), ammunition or explosive substances through a mugging attack or by a particularly dangerous recidivist)



**Place of detention:** Gobustan Closed Prison

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**89. Safa Alim oglu Poladov****Date of arrest:** 10 December 1996

**Charges:** Criminal Code (of 1960) Article 59, Parts 1 (Killing a state figure or public figure or representative of authority with political motivation) and 15 (Preparation of a crime or attempting a crime); Article 70-2, Part 1 (Establishing armed units or groups not envisaged in legislation, as well as participating in the establishment or operation thereof, supplying them with arms, weapons, explosives, military equipment or soldier equipment); Article 71 (Smuggling, that is the transfer of goods and other valuable things through the state border of the Republic of Azerbaijan by hiding them in special storage points, or using customs documents and other documentation for deceiving, committed in a large amount or by a group of persons organized to engage in contraband or an officeholder who uses his official position, as well as smuggling explosives, stupefying, strongly influencing or poisoning substances, arms and ammunition, or military equipment); ; and Article 220, Part 1 (Carrying, storing, acquiring, making or selling firearms (except for smooth-bore hunting rifles), ammunition or explosive substances); Article 120, Part 2 (Deprivation of freedom through a method which is dangerous for the victim's life or health or by physically tormenting)

**Place of detention:** Gobustan Closed Prison

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## G. OTHER CASES

### a. Case of those arrested in the Ismayilli protests

On the evening of 23 January 2013, the administrator of the Chirag Hotel located in the Ismayilli region, Emil Shamdinov, and his acquaintance Elmaddin Mammadov, crashed into the car of a local taxi driver, afterwards kicking the taxi driver. Both men were drunk at the time of the incident. The hotel was owned by Vugar Alakbarov, son of former Minister of Labor and Social Protection, Fuzuli Alakbarov. (This was proven with documentation by Ilgar Mammadov, who was arrested for the same incident). During the incident, both men insulted Ismayilli residents who had gathered at the scene. This led to a protest by the residents. The angered residents started to throw stones at the Chirag Hotel and set it on fire. The protesters also demanded the resignation of Head of the Local Executive Authority Nizami Alakbarov, brother of former Minister Fuzuli Alakbarov, and continued the protest in front of his house as well. The protesters burnt the house and automobiles in its yard. To respond to the protests, a number of police officers and internal troops were brought to the region, and arrests began. A criminal case into the incident was opened. On 23 January, eight Ismayilli residents, along with Emil Shamdinov and Elmaddin Mammadov, received pre-trial detention sentences, and 23 persons received administrative detention sentences of varying terms. On 24 January, protests continued with a demand for the resignation of the executive head and release of the arrested protesters. The police used tear gas and rubber bullets to disperse the protesters.

A total of eighteen people were arrested for the incident. Sixteen were residents of the Ismayilli region. The other two arrested were Ilgar Mammadov, Chairman of the Republican Alternative movement, and journalist Tofiq Yagublu, whose cases are detailed earlier in this report. Those who were sentenced to pre-trial detention were initially charged with resisting police and violating public order. However, the latter was replaced with a more serious charge – inciting mass unrest and participating in the unrest.

Sheki Court of Grave Crimes Judge Rashid Huseynov issued ten of those arrested sentences of four to eight years in prison, on 17 March 2014. Eight sentences were issued with conditional charges and the detainees were released from the court hall. Although some of the defendants pled partly guilty, others were arrested under false and ordered accusations. In addition to Ilgar Mammadov and Tofiq Yagublu, there were residents of the Ismayilli region who were arrested under clearly political motives. The involvement of these defendants in criminal actions was not proven during the trial. Even police officers testifying as witnesses said that they had not seen the faces of those who set the fires, and that general protests including a number of residents were frequent. Although the owners and residents of the hotel were recognized as victims, they said in the trial that they had no claims against the defendants.

### 90. Vasif Adalet oglu Ibrahimov

**Date of arrest:** 25 February 2013

**Charges:** Criminal Code Articles 220.1 (Organization of mass disorder accompanied with violence, breaking, arson, destruction of property, application of firearms or explosives, also rendering of armed resistance to a representative of



and

authority, or participation in such disorder) and 315.2 (Application of violence, resistance with the use of violence concerning a representative of authority in connection with performance of his official duties or use of violence not dangerous to life or health concerning his close relatives, as well as the threat of such violence)

**Place of detention:** Sheki Penitentiary Institution

**Case background:** Vasif Ibrahimov, a resident of the Ismayilli region, was one of the residents who spoke against the violation of rights in the region and voiced critical opinions. Although he was not a member of any opposition party, he was in opposition to the local executive authorities in the country, particularly in the Ismayilli region. Ibrahimov along with Elchin Ismayilli, a journalist living in Ismayilli, had made public on ANS TV and print media, the pressure that was being put on entrepreneurs by the authorities, such as power supplies being cut off for several days, and the closure of the shops owned by entrepreneurs, as well as various social problems. As a result, Ibrahimov became the target of local authorities. On the first day of the mass protests (23 January) in Ismayilli, Ibrahimov gave an interview to journalists in which he described the construction of the Chirag Hotel as illegal, and stated that 35 low-income families had been forced to leave the building so that it could be turned into a hotel. He criticized the local executive institutions for their involvement.<sup>4542</sup> In a part of his interview that was not aired, he blamed the Executive Head of the Ismayilli region and the son of the Minister of Labor and Social Protection in these incidents.



Ibrahimov was not directly involved in the protests and confrontation. He was arrested one month after the protests due to the intensive efforts of the local executive authorities. Charges were brought against him. *Sheki Court of Grave Crimes sentenced Ibrahimov to eight years in jail on 17 March 2014.*

## 91. Elshan Samad oglu Ismayilli

**Date of arrest:** 4 February 2013

**Charges:** Criminal Code Articles 220.1 (Organization of mass disorder accompanied with violence, breaking, arson, destruction of property, application of firearms or explosives, and also rendering of armed resistance to a representative of authority, or participation in such disorder) and 315.2 (Application of violence, resistance with the use of violence concerning a representative of authority in connection with performance of his official duties or use of violence not dangerous to life or health concerning his close relatives, as well as the threat of such violence)

**Place of detention:** Sheki Penitentiary Institution

**Case background:** Elshan Ismayilli is a member of the Ismayilli regional branch of the Azerbaijan Popular Front Party, and brother of journalist Elchin Ismayilli, who cooperates with the opposition *Azadliq* newspaper and Radio Free Europe/Radio Liberty. The journalist became a target of the local executive authorities for his long-standing coverage of problems in Ismayilli and the neighboring regions. Ismayilli and his relatives received several threats.

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<sup>45</sup> <http://bit.ly/1mb5UIx>

In addition, it was he who spread information through social media networks about the Ismayilli protests, disseminating photos and videos.

Elshan Ismayilli was threatened several times by the Deputy Head of the Local Executive Authority, Rafael Ahmadov, that he would face trouble. Specifically, Ismayilli had been filing complaints about the roads, water, electricity and other social problems of the Hajihatamli village where he lived, and provided this information to his brother, the journalist.

Elshan Ismayilli was not at the scene of the mass protests in Ismayilli on the first day, 23 January. He was in the Hajihatamli village, which was 34 kilometers away from the center of the region. On 24 January, Ismayilli came to the center of the region with his parents to attend the mourning ceremony for his late grandfather, Khalil Khalilov. The ceremony took place on M. F. Akhundov Street, the scene of the mass protests. Ismayilli was among the people who came to the scene out of curiosity.

At the scene of the protest, Deputy Head of the Local Executive Authority Rafael Ahmadov rapidly approached Ismayilli, insulting him and saying, “you organized these incidents.” The video provided by the investigation shows that Ismayilli, whose face was clear in the video, did not commit any illegal action, and was merely observing developments. Nonetheless, he was arrested ten days later. On 3 February, police brought him to the center of the region from the village and questioned him at the Regional Police Department. Ismayilli was also questioned by the Deputy Police Chief of the region, Shohrat Karimov. Ismayilli was later questioned at the Regional Prosecutor’s Office. On 4 February, he was released on the condition that he return to the prosecutor’s office. At about 1 pm on 4 February, Ismayilli was sent in a car to Baku, where he was arrested. *Sheki Court of Grave Crimes sentenced Elshan Ismayilli to five years and six months in jail on 17 March 2014.*

*b. Cases of former state officials/employees of state bodies*

**92. Ali Binnat oglu Insanov**

**Date of arrest:** 20 October 2005



**Charges:** Criminal Code Articles 179.3.2 (Misappropriation or waste in a large amount); 306.2 (Malicious default of decision, verdict, definition or the decision of a court, committed by an official); 308.1 (Abuse of official powers, that is deliberate, contrary to the interests of service, use by the official of service powers from self-interest or other personal interest, causing essential harm to the rights and legitimate interests of citizens or organizations, or protected by the legal interests of a society or state); 311.3.1 (Receiving a bribe, by a group of persons on a preliminary agreement); 311.3.2 (Receiving a bribe, committed repeatedly); 311.3.3 (Receiving a bribe, committed in a large amount); and 313 (Service forgery, that is bringing by an official, or a civil servant, employee of a local government institution who is not considered official, of official documents of obviously false data, as well as entering into the specified documents amendments which render their content invalid, committed from mercenary or other personal interest)

**Place of detention:** Prison No. 13

**Case background:** Insanov is considered one of the founders of the ruling New Azerbaijan Party (YAP). He served as the Minister of Health from 1993 to the time of his arrest. At a meeting of the YAP Management Board ahead of the parliamentary elections in November 2005, Insanov voiced severely critical opinions saying that there were criminals in the government, and that incorrect policies being pursued needed to be changed, otherwise the government would be deceiving the people. In the meeting of the Management Board before the YAP Congress, Insanov continued voicing his critical opinions, saying that he was almost being made to apologize for mistakes made and incorrect policies pursued by those Insanov had invited to join the party.

Seven months prior to his arrest, in March 2005, Insanov applied to President Aliyev, requesting to resign from his position as the Minister of Health, and also from the ruling party. But his resignation was not approved. Two months before his arrest, Insanov stated that he was being followed. He believed he was even being followed upon his departure from Baku, and appealed to the President with respect to this matter. In his appeal, Insanov stated that he was being followed by groups within the government.

Insanov was arrested sixteen days before the 2005 parliamentary elections and initially charged with plotting a coup, although he was later convicted of economic crimes. He was arrested by the Ministry of National Security and immediately sentenced to pre-trial detention. The former minister stated that he was subjected to torture at the time of his arrest, and that the torture continued in Bayil Prison, in Investigative Prison No.5, and in Prison No. 13.

The investigation into the criminal case against Insanov was finalized in 2007, but his lawyers were not allowed to study and copy the case materials. ***Insanov was sentenced to eleven years in jail by the Baku Court of Grave Crimes on 20 April 2007.*** The Baku Court of Appeals upheld the ruling on 21 September 2007, and the Supreme Court upheld the ruling on 16 January 2008.

Regarding the economic crimes charges against Insanov, there were considerable differences between the amount of the misappropriated funds claimed in the case materials, and the amount stated in the information publicized by the Prosecutor General's Office. Insanov provided the court with receipts evidencing his payment of taxes, including payment of 85,000 AZN in taxes in 2005. Charged with illegal privatization, Insanov stated that this process was implemented by former Minister of Economic Development Farhad Aliyev, and the Head of the State Committee for Property Issues, Karam Hasanov. Insanov filed a motion requesting that these persons testify in the trial. The motion was not granted. In addition, a significant portion of Insanov's testimony given on the day of his arrest was lost, and therefore not included with the case materials.

Insanov applied to the European Court of Human Rights (ECHR) under Article 3 (prohibition of torture) and Article 6 (right to a fair trial) of the European Convention of Human Rights and Fundamental Freedoms. On 14 March 2013, the ECHR recognized the violation of both rights.<sup>46</sup> The Court ruled that the former minister's right for defense and other procedure rules were violated and that there was a need for additional investigation. The ordered the Azerbaijani government to pay a fine of 10,000 AZN.



Based on the ECHR ruling, on 15 November 2013, the Supreme Azerbaijani Court, transferred the case to the Baku Court of Appeals for reconsideration. During the appellate hearing, Insanov voiced severely critical opinions against the government, particularly President Aliyev. During the next trial session, Insanov was held in a glass cage, and the judge did not allow him to speak (the judge turned off his microphone while he was voicing critical opinions). On 25 February 2014, the Court of Appeals upheld the eleven-year prison sentence.

PACE Resolution #1545 of 2007 called for a fair trial for Ali Insanov.<sup>47</sup> A report released by former PACE co-rapporteurs for Azerbaijan Andres Herkel and Evguenia Jivkova in March 2008, and a PACE resolution of 24 July 2008, also include points of concern related to Insanov's case.

### **93. Nijat Amir oglu Guliyev**

**Date of arrest:** 7 August 2013

**Charge:** Criminal Code Article 228.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition), or explosives)

**Place of detention:** Investigative Prison # 3 (Shuvelan prison)

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<sup>46</sup> <http://bit.ly/1myxEK1>

<sup>47</sup> <http://bit.ly/P93hLW>

**Case background:** Nigat Gulyev served as the Minister of Foreign Economic Relations from 1993 to 1995. He later moved to Adjara, an autonomous republic in Georgia, where he served as the advisor to Aslan Abashidze, President of Adjara, until 2004. He then returned to Azerbaijan and was engaged in business in Turkey and Azerbaijan. Gulyev was arrested on 19 October 2005, shortly before the November parliamentary elections. Although charged with attempting a coup, he was released shortly thereafter.

Two months before October 2013 presidential election, Gulyev was arrested again by the Ministry of National Security at his cottage in the Absheron region. Before his arrest, he had a phone conversation with well-known film director Rustam Ibragimbekov, the United Opposition presidential candidate, and expressed his support to Ibragimbekov, who had been subject to repression. In his interviews, Ibragimbekov stated that he had known Gulyev for a long time and that he thought Gulyev had been arrested for calling and talking to him.

Gulyev's house was also searched. His wife was unable to control the actions of those who entered the cottage. The family's mobile phones were seized and they were banned from leaving the house. Without explaining the reason for the search, Ministry of National Security employees confiscated Gulyev's documents, computers, photo and video materials, and an iron safe. It was claimed that arms were found outside the cottage and in a vehicle owned by Gulyev.

Immediately after his arrest, Gulyev's requests for access to a lawyer, and to call home, were denied. Gulyev's presence during the car search was not ensured. After his arrest, the car remained under the control of the Ministry of National Security. Gulyev refused to testify in court, due to the false nature of the charge against him. *Nijat Gulyev was sentenced to three years in jail by the Absheron District Court on 2 April 2014 – the full sentence requested by the prosecutor.*

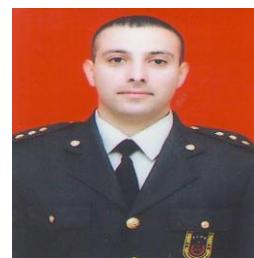
#### 94. Asif Aydin oglu Latifov

**Date of arrest:** 29 August 2012

**Charges:** Criminal Code Articles 228.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition to it), or explosives) and 232.1 (Plunder or extortion of firearms, accessories, supplies, or explosives)

**Place of detention:** Prison No. 9

**Case background:** Asif Latifov was an officer at the State Special Guard Service (SSGS), which is responsible for the protection of the president. Latifov served in the so-called "Special Purpose Beta Group." On 5 March 2011, Emin Alakbarov, with whom Latifov was serving at the airport, lost his gun cartridge, which was found by Latifov. Because he and Fikrat Rzayev, head of the Beta Group, were at odds with each other, Latifov turned in the cartridge to the SSGS Inspection Organization Office. Four days later, he was dismissed from his job, and accused of Article 156 (Non-compliance in service). The ongoing conflict between Latifov and Rzayev had arisen as Latifov protested illegal activities in the SSGS, particularly the illegal affairs of Rzayev himself.



Rzayev reportedly demanded 30 AZN per month from members of the Beta Group. In protest, Latifov had complained to the SSGS Inspection Organization Office. Disappointed with his dismissal, Latifov started to publicize both this problem and other illegal affairs. He gave interviews and published articles with opposition and independent newspapers. He held several public press conferences. He also sued SSGS management.

Despite several warnings, Latifov did not stop publically criticizing SSGS management. As a result, one year and three months after he found the lost cartridge, this matter was used against him. Specifically, he was charged with deliberately stealing the cartridge and abusing power. A criminal case was opened by the Military Prosecutor's Office.

*Latifov was sentenced to 5.5 years in prison under a decision issued by Baku Military Court on 28 January 2013. On 17 July 2013, Baku Court of Appeals Judge Jamal Ramazanov upheld the verdict without any change. However, Supreme Court Judge Ingilab Nasirov later reduced Latifov's sentence to 4.5 years.*

None of the witnesses questioned during the trial could prove that Latifov stole the cartridge. They said that they believed Latifov had stolen the cartridge, claiming that it was impossible for the cartridge to disappear otherwise. In general, no evidence proving the fact of theft was uncovered during the investigation or the trial. The sentence was based on the witness testimonies of those who wanted Latifov's arrested, and would not want to lose their job at the SSGS.

## 95. Akif Shamsaddin oglu Muradverdiyev

**Date of arrest:** 20 June 2013

**Charge:** Criminal Code Article 206.1 (Smuggling, that is, moving goods or other objects through a customs border of the Azerbaijan Republic, committed without or with concealment from the customs control or with use of false documents or means of customs identification, or connected with undeclared or doubtful declaring)



**Place of detention:** Treatment Institution of the Justice Ministry

**Case background:** Akif Muradverdiyev was the former Head of Service of the President's Office. In 1995 he was a Member of Parliament. In the early hours of 20 June 2013, Muradverdiyev was about to leave for Moscow, as he passed through the security check at the airport, as well as the customs checkpoint and border checkpoint. But when he went to board the plane, a plain-clothed person approached him, gently asking him "to slow down," and took Muradverdiyev to a room where he was asked to hand over his bag upon entering. He was then invited into the room, where a conversation took place. Later Muradverdiyev's bag was brought into the room, and he was asked what was in the bag. He answered that 1400 USD, 900 AZN, a bankcard, and clothes were in the bag. The bag was opened and he was told that a package with gold bars was found. Charged with smuggling, Muradverdiyev was sentenced to pre-trial detention. It later emerged that the gold was planted by the Ministry of National Security.

Muradverdiyev stated that he was arrested because of the belief that he would meet with United Opposition Presidential Candidate Ibragimbekov, who lives in Moscow. Muradverdiyev described the claim as nonsense and denied any connection to Ibragimbekov.

***Muradverdiyev was sentenced to four years in jail by the Khazar District Court on 13 December 2013.*** The Baku Court of Appeals upheld the ruling on 12 February 2014. The trial did not investigate the source of the banned gold bars found in Muradverdiyev's bag, or how the bars were obtained. Muradverdiyev had already been checked when entering the airport with the same bag, and later was subjected to an in-depth examination by customs and security employees, who found nothing prohibited in the bag. The court refused to investigate this issue as well. The testimonies of the Minstry of National Security officers who claimed to have found the gold bars during the search were considered sufficient to issue a prison sentence.

Muradverdiyev was previously arrested in October 2005 charged with attempting the violent capture of power and preparing for mass unrest; however, this charge was later replaced with misappropriation of state funds and abuse of power. Consequently, he was sentenced to six years in jail. The upper court later reduced this period to five years. Muradverdiyev was released on 15 January 2008, as his prison sentence was converted to a conditional sentence because of his serious health problems. Muradverdiyev applied to the European Court of Human Rights (ECtHR) with respect to this period of imprisonment. The ECtHR ruled that his right to a fair trial was violated.<sup>48</sup>

Muradverdiyev is currently being held in the Treatment Institution of the Ministry of Justice, due to problems with his health, which have worsened. Two gaps have emerged in his spine, and he has a pancreatic ulcer.



## 96. Nemat Ahad oglu Panahli

**Date of arrest:** 8 January 2011

**Charge:** Criminal Code Article 221.3 (Hooliganism committed with use of a weapon or objects used as a weapon)

**Place of detention:** Gobustan Prison

**Case background:** Shortly before his arrest, Panahli, the chairman of the National Statehood Party, published materials in *Note P.S.* newspaper criticizing former Azerbaijani President Heydar Aliyev and his son, current President Ilham Aliyev. He ran for parliament in the 2010 elections, and later stated that the elections had been falsified.

Panahli was arrested on the basis of a complaint filed by Eldaniz Rzayev, who bought a car from Panahli. Rzayev claimed that he was beaten by Panahli and his friend Jeyhun Ferzullayev for criticizing them over a mechanical issue with the car. He also claimed that he was beaten with an iron tool. At the time of his arrest, police searched Panahli's house for weapons. However, instead of weapons, they confiscated Panahli's archives, including documents, discs, computers and USB memory sticks.

<sup>48</sup> <http://bit.ly/1dUqnw3>

***On 17 June 2011, Nasimi District Court sentenced Panahli to six years in jail***, and Ferzullayev to four years. The Baku Court of Appeals upheld the decision on 14 November 2011, and the Supreme Court did the same on 20 June 2012. Feyzullayev was released under a pardon decree issued on 26 December 2012.

There were serious contradictions in the testimonies of the complainant during the investigation and in the trial. Eight people working in the area where the incident allegedly took place were involved in the trial as witnesses. Seven of them said that they had not seen any fight or an injured person. Only one said that Panahli caught Rzayev by the hair, pushed him to the ground, and beat him. However, the alleged victim was bald.

Following his transfer to prison No. 17, Panahli was subjected to pressure for assisting other prisoners in voicing their complaints. He was repeatedly taken to solitary confinement, and several times went on hunger strike to protest. As a result, Arif Mirzayev, then Chief of Prison No.17, appealed to the court requesting Panahli's transfer to Gobustan Prison, which has horrible detention conditions. Although the appeal claimed that Panahli had repeatedly violated rules of discipline and order in prison, it did not offer any notable evidence. On 25 February 2013, the Khazar District Court issued a decision to transfer Panahli to Gobustan. The decision was executed after the Baku Court of Appeals upheld the decision on 14 June 2013.

### c. Political hostages

#### **97. Elnur Rafiq oglu Seyidov**

**Date of arrest:** 27 March 2012

**Charges:** Criminal Code Article 178.3.1 (Swindling, that is maintaining another person's property or buying another person's property by deceit or a breach of confidence, committed by an organized group); 178.3.2 (Swindling, committed in a large amount); 179.3.1 (Misappropriation or waste, that is plunder of property entrusted to the guilty party by another person, committed by an organized gang); 179.3.2 (Misappropriation or waste, committed in a large amount); 308.2 (Abuse of official powers, that is deliberate, contrary to interests of service, use by an official of service powers for self-interest or other personal interests, or failure to use as required due to service duties, causing grave consequences or committed with the intent to affect the results of an election); 313.1 (Service forgery, that is bringing by an official, or a civil servant or employee of a local government institution who is not considered official, of official documents of obviously false data, as well as amending the specified documents in a way that invalidates their contents, committed from mercenary or other personal interest); and 320.2 (Forging a certificate or other official document giving rights or releasing from duties, with a view of using or selling such a document, as well as manufacturing for the same purposes, or selling counterfeit state awards of the Azerbaijan Republic, such as stamps, seals, or forms)

**Place of detention:** Baku Investigative Prison (Kurdakhani Detention Center)

**Case background:** Elnur Seyidov is the brother-in-law of Azerbaijan Popular Front Party Chairman Ali Karimli, who is one of the strong opposition critics of the Azerbaijani authorities. Seyidov was a former Deputy Chief of the Yasamal branch of "Texnikabank." When he was arrested by the Ministry of National Security, Seyidov was initially charged with fraud. But later the charge was made more severe. Despite the fact that nine months had passed since Seyidov's arrest, necessary investigative measures had not been taken. His pre-trial detention was extended, although extension of pre-trial detention for a crime can take place in exceptional cases.

According to the Criminal Procedure Code, it is up to the Ministry of Internal Affairs to implement investigative actions on fraud charge. But the law was violated with respect to Seyidov's arrest, since he was arrested by the Ministry of National Security, held in their detention center, and the investigation was carried out by the Ministry.

Seyidov was arrested twenty days after the arrest of the Texnikabank's Management Board, Etibar Aliyev, among others. Seyidov was arrested in connection with the same criminal case. Officially, Seyidov was charged with violating the law under the instruction of and in the favor of the bank's management. Aliyev, as well as other employees of the bank, have since been released, whereas Seyidov still remains in prison.

Seyidov suffers from multiple sclerosis, for which there are supporting statements of independent and private medical institutions. It is reprehensible to hold someone suffering in this way in closed detention. There is also the Law of the Republic of Azerbaijan of 7 March 2012, on state care for patients of multiple sclerosis. The law envisages several measures to take care of and protect these patients. One of these measures is the release of these patients from prison. But Seyidov, who suffers from this disease, is still in held in prison.

**Seyidov was sentenced to 7.5 years in prison under a 29 October 2013 decision of the Baku Court of Grave Crimes.** The Baku Court of Appeals upheld the ruling on April 3, 2014. The testimonies made by witnesses during the trial were conflicting, and some of them stated that Seyidov had no fault. But the court did not take it into consideration. An appeal has been sent to the European Court of Human Rights with respect to Seyidov's initial arrest and his disease. The U.S State Department's Human Rights Report for 2013 lists Bagirov's case as an example of pressure on the families of opposition figures.<sup>49</sup>

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<sup>49</sup> <http://1.usa.gov/18BOn4u>

**98. Siraj Rafiq oglu Karimli****Date of arrest:** 17 July 2014**Charges:** Article 234.4.3 of the Criminal Code (illegal purchase, storage or selling narcotics in large amount)**Place of detention:** Baki Investigative Prison (Kurdakhani prison)

**Case background:** Siraj Karimov is an engineer by profession, and not engaged in political activity. But, his father and brother are Musavat activists. His father, Rafiq Karimly has been an active participant of politics since 1980 and one of the co-founders' of Lachin branch of the Musavat Party. Siraj Karimov's brother, Faraj Karimov, was an administrator of webpage of the Musavat Party and also the founder and manager, of the "Istefa" ("Resignation") group, which gained about 350 000 members when it was shut down; an administrator of "Basta" group's webpage until his arrest. Siraj Karimly was arrested unexpectedly by masked men in a tea house nearby his place of employment. He was taken to Department Combating Against Narcotics. His father, who was taken to the Department and told that it was necessary to search their house, was made to sign up a consent application. Two computers were confiscated when the house was searched, and the photos of books – "Tactics and strategy of struggle for democracy" and "Public relations" – were taken. When Rafiq Karimov went back to the department, he was told that narcotics were found in his son's pocket. The next day Siraj Karimly was sentenced to a three-month pre-trial detention. The purpose of Siraj Karimli's arrest was to exert pressure on his brother. Faraj Karimly was arrested by the Organised Crime Combating Department of the Ministry of Internal Affairs on 23 July, while on his way to hospital with his mother. According to Faraj, he was made to sign an admission of guilt about narcotics found in his pocket, so that his family would not be tortured. According to human rights organisations, Siraj Karimly was arrested as to neutralize Faraj Karimly.