

**A UNIFIED LIST OF POLITICAL  
PRISONERS IN AZERBAIJAN**

**A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN**

*Covering the period up to 20 February 2019*

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**INTRODUCTION**

## A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

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Civil society organizations working in Azerbaijan have issued this Report with a view to draw attention to the long-standing problem of political prisoners in Azerbaijan. Despite consistent calls from domestic and international organizations to end the cycle of arrests, releases, and rearrests, authorities have not demonstrated the will to cease the pattern of politically motivated arrests.

The list was developed by the **Working Group on a Unified List of Political Prisoners in Azerbaijan**<sup>1</sup>, which brings together human rights defenders, lawyers, journalists and experts. The list includes cases of people arrested or remaining in prison by 20 February 2019.

To develop this Report, consultations have been carried out with a number of domestic and international organizations working on the issue of political prisoners; reports of prominent human rights organizations, as well as the relevant documents of international organizations that Azerbaijan is a member of and has commitments to – particularly, Council of Europe – have been examined; media monitoring has been carried out; trial monitoring has been conducted; court judgments and other relevant legal documents have been analyzed; and meetings and interviews were held with the lawyers, families and defence committees of the political prisoners included in this Report. The Report reflects detailed information about each political prisoner, including the original motives behind their arrest, the violations of law committed during the process of their arrest/detention, and photos of political prisoners (though photos of some of the prisoners were not available).

Cases included in the report are divided into the following categories:

- A. Journalists and bloggers
- B. Writers/poets
- C. Human rights defenders
- D. Political and social activists
- E. Religious activists
- F. Lifetime prisoners
- G. Persons arrested in the relation to social protests
- H. Former government officials
- I. Political hostages
- J. Said Dadashbayli and those arrested with him

Some categories are divided into subcategories, which are detailed in the report.

The Working Group has decided to include one person (number 22 in the List) who is under house arrest into the report. The Group considers that if a person disconnected from the society, his/her rights of communication with others and right to change the address are restricted as a result of the criminal case, this person can be considered as a prisoner.

## **THE DEFINITION OF POLITICAL PRISONERS**

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<sup>1</sup> On 22 January 2019, the rapporteur had submitted memorandum to the Legal Affairs Committee of the Parliamentary Assembly. The report refers to the Unified List of Political Prisoners in Azerbaijan, prepared by this Working Group. The Working Group is ready to submit any supporting documentation to the rapporteur or other international bodies who work on the issue of political prisoners in Azerbaijan.

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This Report has been developed on the basis of the criteria set by the Parliamentary Assembly of Council of Europe Resolution 1900 of 3 October 2012.<sup>2</sup>

A person deprived of his or her personal liberty is regarded as a ‘political prisoner’:

- a. if the detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association;
- b. if the detention has been imposed for purely political reasons without connection to any offence;
- c. if, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of;
- d. if, for political motives, he or she is detained in a discriminatory manner as compared to other persons; or,
- e. if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities.”

In this resolution, PACE recalls that the definition of “political prisoner” was elaborated within the Council of Europe by the independent experts of the Secretary General, mandated to assess cases of alleged political prisoners in Armenia and Azerbaijan in the context of the accession of the two States to the Organisation.

Those deprived of their personal liberty for terrorist crimes shall not be considered political prisoners if they have been prosecuted and sentenced for such crimes according to national legislation and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In the Report, Amnesty International has been referred to in the cases of those recognized as a prisoner of conscience in line with the criteria of this organization.<sup>3</sup>

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

<sup>3</sup> <http://bit.ly/18KQFUz>

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### POLITICAL PRISONERS

#### A. JOURNALISTS AND BLOGGERS

##### 1. Nijat Nazim oglu ALIYEV



© www.azadxeber.net

**Date of arrest:** 21 May 2012

**Charge:** Articles 167.2.2.1 (*Import, sale or distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), 234.1 (*Illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotic drugs, psychotropic substances or their precursors*), 281.2 (*Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, by a group of persons*) and 283.2.3 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, when committed publicly or through use of mass media, by an organized gang*) of the Criminal Code

**Sentence:** 10 years

**Place of detention:** Prison No. 2

**Case summary:** Nijat Aliyev is the editor-in-chief of [www.azadxeber.az](http://www.azadxeber.az), a religious-oriented website of a critical nature. Before N.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 Eurovision, after spreading these materials and CDs containing the speeches of theologians Abgul Suleymanov and Taleh Baghirzade, N.Aliyev and nine other religious activists were promptly arrested.

The journalist was first charged with possession of narcotics, a widely used charge against activists. Eight months after his arrest, on 26 January 2013, three more charges were brought against Aliyev. This happened only two days after PACE voted against the list of political prisoners developed by Christopher Strasser, the PACE rapporteur on political prisoners, on 23 January 2016, which marked the end of his mandate as rapporteur.

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On 9 December 2013, Baku Court of Grave Crimes sentenced Aliyev to **10 years** in prison, the full sentence requested by the prosecutor. Baku Court of Appeal upheld the judgment on 27 June 2014. The Supreme Court also dismissed the appeal filed against the decision of the appellate court on 07 April 2016.

Nahid Mammadov, an employee of the State Committee on Work with Religious Organizations who was invited as an expert, identified instances of inciting of national hatred in the speeches contained in the CDs, however, he failed to explain the details of these instances in the trial. Even if such speeches actually existed, Aliyev did not make the calls. Nonetheless, Aliyev was found guilty of making such speeches. The book titled “*Möcüzəsiz möcüzə*” (“Miracle without miracle”), written by Arshad Azimzade, which was taken from the journalist’s house and authorities claimed propagates religious extremism, speaks about treating a human body by fasting. The book has been published in Azerbaijan and is not officially banned. However, the investigation issued 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 obvious 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 his arrest, these claims were not investigated. Aliyev is married. He was arrested only 23 days after his wedding. Amnesty International described the charges against the journalist as questionable.<sup>4</sup>

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### 2. Araz Faig oğlu GULIYEV



© [www.xeber44.com](http://www.xeber44.com)

**Date of arrest:** 9 September 2012

**Charge:** Articles 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*); 233 (*Organizing actions causing violation of public order or active participation in such actions*); 283.1 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens’ rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media*), 315.2 (*Resistance or violence against representative of authority*) and 324 (*Insulting national flag or emblem of the Republic of Azerbaijan*) of Criminal Code

**Sentence:** 8 years

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

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<sup>4</sup> <http://bit.ly/P8Z9vo>

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**Case summary:** Araz Guliyev was the editor-in-chief of [www.xeber44.com](http://www.xeber44.com), an online newspaper based in Masalli, Azerbaijan. The articles published on this website often criticized the government's policies on religion, as well as social problems of Masalli region. In connection with his activity on this website, A.Guliyev was repeatedly taken to the police station before his arrest, where he was told to stop his activity. Local executive authorities also warned A.Guliyev. Two days before his arrest, on 6 September 2012, A.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.

At about 9:00 pm on 8 September, A.Guliyev and another Masalli resident, Ziya Tahirov, protested against organization of a disco party in Nizami Park as part of a folklore festival held in Masalli. The two looked for organizers to get additional information about the event to write a critical article. However, the police dismissed them from the area. Two hours later, when A.Guliyev and Z.Tahirov returned to the scene, they saw that the event had ended and that there was only a police car around the park. The police car approached them, and Deputy Chief A.Kazimov talked to them for about half an hour before they left the area. Afterwards, a group of 25 to 30 plain-clothed persons arrived at the scene, where they started to insult A.Guliyev and Z.Tahirov and threw stones at them. Police arrived a little while later and beat and arrested the two men. A.Guliyev was charged with hooliganism and resisting a police officer. Eleven days after the journalist's arrest, on 20 September, his house was searched. After the search, it was claimed that a grenade was found in the house. In December 2012, A.Guliyev was charged with publishing articles on the online newspaper containing religious enmity, violation of public order, weapon possession, and desecration of the national flag.

*The Lankaran Court of Grave Crimes sentenced the journalist to **8 years** in jail on 5 April 2013. The Shirvan Court of Appeal upheld the judgment on 9 January 2014. Supreme Court upheld the sentence on 4 July 2014 without any change as well.*

The journalist's house was searched without a court decision and without the journalist's presence. The court investigation revealed that Nahid Shiraliyev, one of the search 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 Appeal, N.Shiraliyev stated that he and his colleague were taken from a labour-market (a place where freelance workers gather waiting for jobs) by police officers to witness a search. He says that they each received 20 AZN for their efforts. None of the claimed victims confronted A.Guliyev during the investigation. Most of them were police officers, and they all gave the same testimony in the trial. In fact, there was no evidence to support the alleged injury to the police officers. The national flag that was claimed to have been torn was not in the case file as evidence.

A.Guliyev was transferred to prison No. 14 after the Shirvan Court of Appeal delivered its judgment. On 22 December 2014, inmates in prison No. 14 protested against the death of inmate Elshad Babayev. Specifically, there were reports about E.Babayev's death as a result of torture and deprivation of food and water. His sister Simuzar Babayeva took photos of her brother's body, showing clear signs of violence. Nonetheless, the criminal case opened on this fact claimed that E.Babayev, 31, died of

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heart failure. A.Guliyev was also among the protesting inmates. As a result, he was placed in a single cell and tortured. Following this incident, the prison management turned to court requesting his transfer to a prison with a tougher regime. On March 19, 2015, Garadagh District Court ruled to keep him in Gobustan Closed Prison for 3 years of his sentence.

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### **3. Rashad Aghaaddin oglu RAMAZANOV**



© Facebook profile

**Date of arrest:** 9 May 2013

**Charge:** Article 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount*) of the Criminal Code

**Sentence:** 9 years

**Place of detention:** Prison No.2

**Case summary:** R.Ramazanov, a religious follower, used to actively post micro blogs on social media networks, particularly on Facebook in which he criticized the governmental policy and high-ranking Azerbaijani officials, including the President.<sup>5</sup> He also was charged with drug possession, a widely used charge against activists in Azerbaijan. Following his arrest, R.Ramazanov was unlawfully held in the Ministry of Internal Affairs Organized Crime Department for 11 days. After repeated calls for release from local and international organizations, he was transferred to the pre-trial detention facility. Well-known lawyer Aslan Ismayilov stated that R.Ramazanov was subject to torture and beatings in custody. Ismayilov's appeal to relevant agencies demanding an investigation into this matter yielded no result. 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 Association.

*On 13 November 2013, Baku Court of Grave Crimes sentenced Ramazanov to 9 years in jail. On 16 January 2014, the Baku Court of Appeal and on 14 May 2014 the Supreme Court upheld this sentence.*

Amnesty International recognized Ramazanov as a prisoner of conscience<sup>6</sup>.

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### **4. Seymur Mashgul oglu HAZI**

<sup>5</sup> <https://www.facebook.com/HAQQINqulu777>

<sup>6</sup> <http://bit.ly/1jYMJQI>

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© Facebook profile

**Date of arrest:** 29 August 2014

**Charge:** Article 221.3 (*Hooliganism, that is the deliberate actions roughly breaking social order, expressing obvious disrespect for a society, accompanying with application of violence on citizens or threat of its application, as well as destruction or damage of other's property, committed using items used as a weapon*) of the Criminal Code

**Sentence:** 5 years

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

**Case summary:** S.Hazi, a commentator of opposition-leaning *Azadlıq (Liberty)* newspaper and presenter of *Azərbaycan Saati (Azerbaijani Hour)*, an internet- and satellite-based TV program severely criticizing the Azerbaijani government and its policy, was detained without any good reason. In Jeyranbatan settlement near Baku, a person named Maharram Hasanov approached S.Hazi asking him why he did not respond to his message in social media and attacked him without waiting for an answer. Then S.Hazi was detained by the policemen who came to the area shortly thereafter. On 30 August 2014, Absheron District Court sentenced him to pre-trial detention.

*On 29 January 2015, at the hearing of Absheron District Court chaired by Judge Shovkat Najafova, S.Hazi was sentenced to 5 years of imprisonment, while the other party, M.Hasanov, who testified against him, was sentenced to 6 months. Hasanov is already free now. Sumgayit Court of Appeal upheld the sentence on 5 September 2015, which the Supreme Court confirmed on 15 April 2016.*

Monitoring of the hearings indicated that the arrest of the journalist had been planned in advance; a provocative act was committed and used to arrest him. During the proceedings, none of the motions filed by the journalist and his lawyer aimed at revealing the merits of the case was granted. Specifically:

- opening date of the criminal case is not shown in the indictment;
- the case was launched without conducting any expertise;
- testimonies of M.Hasanov were inconsistent;
- in fact, there had been no correspondence between him and the journalist on Facebook;
- M.Hasanov arrived at the incident scene 2 hours before and waited for the journalist. The list and time of phone conversations, which could prove this, was not investigated.

S.Hazi had been subject to harassment and persecution prior to his arrest as well. On March 26, 2011, he was kidnapped at a similar location in Jeyranbatan settlement, where he resides, and taken to an unknown place where he was subjected to violence

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by unknown masked men who told him “Don’t be silly, don’t write about Ilham Aliyev”. The journalist gave an open interview to the media regarding this incident; his appeals to the law-enforcement agencies received no response and the criminal case launched upon repeated efforts was completed with no result.

Amnesty International recognized the journalist as a prisoner of conscience.<sup>7</sup>

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### 5. Fikrat Faramaz oglu IBISHBAYLI (Faramazoglu)



© Facebook profile

**Date of arrest:** 30 June 2016

**Charge:** Articles 182.2.1 (*Extortion, is requirement to transfer anothers’ property or right on property or commitment of other actions which is admitted as in property nature under threat of application of violence, distrubition of data, dishonouring a victim or his close relatives, as well as by threat of destructionof property belonging to him, committed by a group of persons on a prior arrangement*), 182.2.2 (*same action, when committed repeatedly*) 182.2.4 (*same action, when committed with the purpose of extorting property in a large amount*) of the Criminal Code

**Sentence:** 6 years

**Place of detention:** Prison № 2

**Case summary:** F.Faramazoglu, editor-in-chief of [www.jam.az](http://www.jam.az) portal (Journalistic Investigation Center), published regular articles on hotels and other facilities used as brothels under the patronage of officials. On 20 June, 10 days before his arrest, he published an article titled “A brothel near the head office of YAP.”<sup>8</sup> The article reported that this and other brothels belonged to a person with a nickname *Antalya Mehman*, who enjoyed the patronage of high-ranking officials thereby preventing any interference from even the Human Trafficking Department of the Ministry of Internal Affairs.<sup>9</sup> On 23 June, the journalist published another article identifying that the person known as Antalya Mehman was under the patronage of Vilayat Eyvazov, First Deputy Minister of Internal Affairs.<sup>10</sup>

The Ministry released an official statement saying that the journalist was detained while extorting 3,000 AZN from a restaurant owner in Baku and sentenced him to pre-trial detention. However, before his arrest the journalist was in one of catering facilities along with his colleagues and was arrested when leaving the facility. An employee of the facility reported the arrest to other colleagues.

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<sup>7</sup> <http://bit.ly/29JyV26>

<sup>8</sup> YAP – ruling New Azerbaijan Party (Yeni Azərbaycan Partiyası)

<sup>9</sup> <http://bit.ly/2ekKcDt>

<sup>10</sup> <http://bit.ly/2edW3Uz>

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After his arrest, F.Faramazoglu was held at the Organized Crime Department of the Interior Ministry where he had to refuse a lawyer as a result of pressures. Upon his transfer to the Baku Pre-trial Detention Facility from the Department, F.Faramazoglu stated that he had been held at the Department for 34 days without any grounds, subjected to torture, e.g. he remained handcuffed for 12 days without interval, received punches and kicks to his head, and his teeth were broken. Although the journalist appealed to the General Prosecutor's Office with regard to the torture allegations, his appeal has not yet been examined. Once he reported the facts of pressure and torture, F.Faramazoglu was returned to the Organized Crime Department again on 17 September and taken back a while later.

Pressures followed the journalist's arrest on his wife Faige Nosreti, an Iranian citizen. She was threatened with deportation and death; her automobile was spray-painted red with a threatening letter. On 16 October, there was an attempted break-in at the apartment where F.Faramazoglu's wife and 2-year-old child lived. Some unknown men tried to open the apartment with a key, but they ran away when they heard the voice of the journalist's wife. The incident was reported to the police. The journalist's wife addressed an official appeal to the Minister of Internal Affairs Ramil Usubov with regard to the incident. F.Nosreti also reported the developments to the Embassy of the Islamic Republic of Iran in Azerbaijan and asked for help.

Lawyer of the journalist Elchin Sadigov have also been subject to harassment and threats for his active involvement in the case. Fake profiles impersonating the lawyer and his wife were opened and their private pictures were placed in the Internet with insulting comments. Several pro-government websites published slanderous stories alleging that the lawyer had an affair with the wife of arrested journalist. Soon after publication the stories were deleted from the web sites. On November 2 while studying the case in the Anti-Organized Crime Unit of the Interior Ministry, the investigator threatened the lawyer. Investigator told E.Sadigov, that they are very upset about publicizing of the tortures F.Faramazoglu was subject to. They also advised E.Sadigov "to be careful". E.Sadigov has addressed the issue to the leadership of the law-enforcement agencies. Following the threats, the lawyer's brother, residing in Goygol district was summoned to the local police station and asked questions about his brother's activity. Without any reasons provided E.Sadigov's brother was held and questioned in the police for several hours. Freedom House and Amnesty International expressed their concern regarding harassment to the lawyer and called authorities to investigate the matter<sup>1112</sup>.

*F.Faramazoglu was sentenced to 7 years by the Baku Grave Crimes Court (chaired by the judge Eldar Mikayilov) on 14 June 2017. Baku Court of Appeal upheld the sentence by 18 September 2017 decision (presiding judge Namig Mammadov). The Supreme Court (presiding judge Hafiz Nasibov) reduced the sentence to 6 years on 26 September.*

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<sup>11</sup> <http://bit.ly/2fm4yA4>

<sup>12</sup> <http://bit.ly/2ftNYMg>

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### 6. Elchin Samad oglu ISMAYILLI



© Radio Liberty

**Date of arrest:** 17 February 2017

**Sentence;** 7 years

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

**Charge:** Articles 182.2.2 (*Extortion, is requirement to transfer anothers' property or right on property or commitment of other actions which is admitted as in property nature under threat of application of violence, distrubition of data, dishonouring a victim or his close relatives, as well as by threat of destructionof property belonging to him, when committed repeatedly*),

**Case description:** E.Ismayilli is a journalist and activist based in Ismayilli. He is a member of the opposition Popular Front Party's Council. E.Ismayilli works as a journalist, he is an editor-in-chief of the www.kend.info ("kend" means village) website. He has also been a contributor to number of media outlets including Azadliq newspaper up to his arrest and RFE/RL Azerbaijani service in the past. E.Ismayilli was detained on 17 February, 2017. Later in the night the group of police and prosecutor office employees came to his rented apartment to conduct search. Operation group ceased his computer and his hunting rifle (legally obtained). On February 18, 2017 Nasimi District Court in Baku chose 24 days remand in custody detention measure about E.Ismayilli. Remand in detention measure had been prolonged since then several times up until the trial.

Initially the journalist was charged with the Criminal Code Articles 182 (extortion) and 308 (abuse of power). He was accused of blackmailing E.Ismayilli district officials by threatening them with publication of compromising information. Later prosecution added the Article 311 (bribery) to the charges of E.Ismayilli.

According to indictment the journalist has demanded money from official of Executive Power Azer Abbasov. Abbasov applied to the Internal Security Service of Azerbaijan and they arrested the journalist.

E.Ismayilli denied all accusations and claimed he has borrowed the 1000 AZN found on him from Azer Abbasov, who was a long time friend. Abbasov, the chief of the Culture and Tourism Section of Ismayilli district Executive Power said in the court that the money were given to him by the head of Executive Power Mirdamed Sadigov, who in fact asked to deliver the money to E.Ismayilli. Abbasov stated in the court that E.Ismayilli had not asked for the bribe, the initiative to give him money has come from the district executive governor Sadigov.

The investigation process and trial was accompanied with gross procedural violations. Investigators failed to provide proofs that E.Ismayilli had blackmailed or in some other way demanded the money from officials, abused his power or received a bribe.

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The defense stated that participation of the Internal Security Service in the arrest of the journalist who was accused of demanding 600 USD in fact shows the political nature of the case. Even if the money which journalist claimed taking as a dept from official were in fact a bribe, there was no basis for bringing up the extortion charges against him. The human rights defenders who monitored the case consider the journalist was framed by district officials and the charges against him were politically motivated solely aimed at silencing the journalist, who constantly criticized both officials in his kend.info website. The suspicions on the political motivations were confirmed by procedural violations during the process, including lack of media access, limitation of access to lawyer, clear guidance of the witnesses by presiding judge and threats against his lawyer E.Sadigov.

*Shaki Grave Crimes Court (presided by Rashid Huseynov) sentenced Elchin Ismayilli on 18 September 2017 to 9 years in prison by finding him guilty in all charges. Sheki Appeal Court on 05 December 2017 upheld the decision. The Supreme Court reduced the prison term to 7 years by discontinuing the charges under Articles 308 and 311 of the Criminal Code*

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### 7. Mehman Rafik oglu HUSEYNOV



© Fargana Novruzova

**Date of arrest:** 3 March 2017

**Charge:**

*First criminal case: Article 147.2. (The slander, which relates to accusation of committing serious or especially serious crime) of the Criminal Code*

*Second criminal case: CM-in 317.2 (Application of violence not dangerous to life or health concerning employees of criminal - executive establishments or investigator isolators, and also concerning convicted with a purpose to prevent his correction or from revenge for execution of public duties by him ) of the Criminal Code*

**Sentence:**

*First criminal case: 2 years*

*Second criminal case: Discontinued.*

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

**Summary of the case:** A well-known photographer and blogger Mehman Huseynov is an administrator of the Facebook page named “Sancaq” (The Pin) which has a big number of followers. Using this page, which has more than 325 000 followers M.Huseynov, was publishing materials about property and luxurious lifestyle of the government officials as well as materials criticising current social problems of the country. Most of the materials were of an ironic and sarcastic nature. Also, he

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published materials related to social surveys and many people viewed them. The last video that was published was about appointment of the First Lady to the position of Vice-president by the President. In a day after the video was realised he was arrested in the courtroom following the decision of the Court based on the special format lawsuit of the Head of the Nasimi District Police Office.

The reason of his arrest was that on 11 January 2017 he accused the police officer in infliction of torture and inhumane and degrading treatment to him in front of the Nasimi District Court. On 10 January, he was arrested and taken to the police office and was subjected to physical force and degrading treatment. His complaint about this was not properly addressed even if he with an assistance of his lawyer collected and documented all the evidences including bloodstains on the clothes and the expertise confirmed that he had injuries. On 11 January, he was convicted of non-obedience to the police officer, who is often involved in pressure against activists, and was taken to the Nasimi District Court to be accused in the administrative procedure and admirative arrest was asked in his case. Court issued a decision fining M.Huseynov on 200 AZN. After the Court M.Huseynov gave an interview to the press that he was subjected to torture and inhumane and degrading treatment by the police officers.

In 2012 M.Huseynov was arrested and charged with hooliganism; prosecutors demanded his arrest however court appointed the police control after him. After this, travel ban was put on him, later his national ID and foreign passport were confiscated and his request for new documents was rejected.

A few months before his arrest, M.Huseynov was elected as a chairman of the (IRFS) Institute for Reporters Freedom and Safety, before that his brother Emin Huseynov chaired the Institute. After being elected with the initiative of IRFS the report reflecting human rights abuses as well as mention of the corruption cases involving 2 representatives of Azerbaijan and their ban on the voting in Parliament Assembly of the Council of Europe (PACE) was prepared and sent to the PACE.

*M.Huseynov was sentenced to 2 years in prison on 3 March 2017 (judge Jeyhun Gadimov). Baku Court of Appeal upheld this decision on 12 April 2017 (presiding judge Vagif Mursagulov). Supreme Court ordered revision of the case by Baku Court of Appeal on 29 September 2017. Upon revision Baku Court of Appeal upheld the sentence by December 15, 2017 decision.*

Firangiz Huseynova, M.Huseynov's mother was hospitalized with a serious condition in July 2018. Requests of the blogger and his lawyers to visit his mother in the hospital were declined; he was just allowed to attend a funeral of his mother.

On 10 August 2018 M.Huseynov submitted an appeal requesting his release in connection with the serving more than half of the sentence. The Garadakh District Court (judge Rashad Mammadov) did not satisfy appeal on 24 August 2018. The judge justified his decision by referring to the negative testimony about M.Huseynov submitted by the prison administration where he is currently kept. According to the testimony, he was accused of "not sincere attitude to the staff of the jail, negative attitude towards work, not participating in works of improvement and cultural events". On 17 October 2018, the Baku Court of Appeal (presiding judge Elshad Shamayev) upheld the decision.

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**Second criminal case:** On December 26, 2018, the Penitentiary Service reported that prisoner M.Huseynov has disobeyed the legal order of lieutenant Ali Aladdin, the senior inspector of the enterprise's regimental-control department, and has violently attacked him by injuring him and destroying items in the service room in the process, during the next general search and precautionary control at the Prison No.14. According to these reports, a criminal case under Article 315.2 (Application of violence dangerous to life or health, resistance with application of violence concerning the representative of authority in connection with performance of official duties by him) of the Criminal Code has been initiated in the Garadagh District Prosecutor's Office of Baku city. Blogger said the accusation was a lie and slander, and began a hunger strike in protest.

A new criminal case against M.Huseynov caused serious international reaction. The US Senator Marko Rubio<sup>13</sup>, chairman of the US Helsinki Commission, Chris Smith<sup>14</sup>, OSCE Representative on Freedom of the Media, Harlem Desir<sup>15</sup>, European Commissioner for Human Rights Dunja Mijatovic, <sup>16</sup> PACE Rapporteur on Azerbaijan Stefan Shennack and Rocer Gail,<sup>17</sup> French Foreign Ministry<sup>18</sup>, and numerous international organizations including Reporters Without Borders and Amnesty International, called the Azerbaijani government to release M.Huseynov from prison.

On January 17, 2019, The European Parliament passed a resolution on “The violation of the human rights, democracy and the rule of law in Azerbaijan”. On this resolution, the Azerbaijani government was called to release M.Huseynov unconditionally and dropped the new charges against him<sup>19</sup>.

According to a statement published by the Press Service of the Prosecutor General's Office on 22 January, the Azerbaijan President, Ilham Aliyev recommended Prosecutor General “to address the appeals by taking into account the principles of humanism and justice, and to take all necessary measures required by law in order to carry out an objective investigation of the criminal case and to make a fair and humane decision” after the appeals of M.Huseynov and a group of human rights activists to the head of state for ensuring the objectivity of the investigation against the blogger. In line with the recommendation, the Prosecutor General has given relevant instructions on the investigation of the new criminal case against M.Huseynov and investigating authority has terminated the criminal case against blogger by considering “the youthfulness of M.Huseynov, the fact that he has been serving his sentence for two years without involving any disciplinary action and has taken a serious steps to rehabilitation, his old and alone father in need for care, less seriousness of his criminal act and the fact that he and his action are not dangerous for society anymore”. Additionally, the Prosecutor General's Office also warned the people "who try to create artificial agiotage around M.Huseynov for personal gain and

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<sup>13</sup> <https://bit.ly/2RFIk1p>

<sup>14</sup> <https://bit.ly/2sz6JFJ>

<sup>15</sup> <https://bit.ly/2QYhXgV>

<sup>16</sup> <https://bit.ly/2TwopNR>

<sup>17</sup> <https://bit.ly/2Cw0RBX>

<sup>18</sup> <https://bit.ly/2ARp4mc>

<sup>19</sup> <https://bit.ly/2Rzwwwx>

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political purposes, as well as to the editorials of mass media that disseminates information about M.Huseynov", it was stated that " any unlawful actions aimed at violating the stability of the country will be resolved by ensuring the rule of law."

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### **8. Afghan Sabir oglu MUKHTARLI**



© Facebook profile

**Date of arrest:** 29 May 2017

**Charge:** Articles 206.1 (*Smuggling, is moving large amount through customs border of the Azerbaijan Republic of goods or other subjects, except for ones which provided in article 206.2<sup>20</sup> of the present Code, committed except or with concealment from the customs control or with use of fowls documents or means of customs identification or connected with undeclared or doubtful declaring*), 315.2 (*Application of the violence dangerous to life or health concerning the representative of authority in connection with performance of official duties by him*) and 318.1 (*Crossing of protected frontier of the Azerbaijan Republic without established documents or outside of check point of frontier*) of the Criminal Code

**Sentence:** 6 years

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

**Case summary:** An independent journalist who investigated businesses of high level Azerbaijani officials, including the President and his family moved to Tbilisi in 2014 in order to protect himself from persecution. Along with his journalistic activities, he also supported political prisoners and acted as an organizer and a participant of protest rallies in front of the Azerbaijani embassy in Tbilisi.

On 4 May, an article titled "Secret anti-Azerbaijani nests" was published on a new outlet with very close connections to Azerbaijani government. Without providing any evidence, the article accused journalists, human rights defenders, and activists living in exile in Georgia and criticising the Azerbaijani government, including A.Mukhtarli in committing crimes against state and receiving funding from abroad for illegal purposes.

Family members of the journalist alerted media and officially filed a missing person report with the Georgian police in the evening of 29 May when they were not able to

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<sup>20</sup> Narcotics, psychotropic, strong, poisonous, radioactive explosives and explosives, military weapon and engineering (except for the smooth-bore hunting weapon and ammunition to it), fire-arms or ammunition, nuclear, chemical, biological and other kinds of mass destruction weapons, materials and equipment which can be used at creation of mass destruction weapons and concerning which established special rules on moving through customs border of the Azerbaijan Republic, of strategically important raw material, subjects representing cultural, historical or archeological value concerning which established appropriate rules for moving through customs border of Azerbaijan Republic

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contact him. After a day, it was reported that A.Mukhtarli was detained and taken to Azerbaijan. In a joint statement released on 31 May, the State Border Service and the Prosecutor General's Office of Azerbaijan claimed that A.Mukhtarli was detained while attempting to cross the border illegally and resisted border officers during the detention. Officers allegedly found 10,000 EUR on him which was confiscated. The details noted in the joint statement raise a number of questions. First of all, why would a journalist who left the country due to persecutions and was recently smeared in a government-controlled media, attempt to return to Azerbaijan, especially with 10,000 EUR on him. In addition, A.Mukhtarli's passport was at home which again casts doubts on the official version of the event.

In a meeting with his lawyer, A.Mukhtarli said that he was abducted by local (Georgian) police in the evening of 29 May, forced into an "Opel" brand car, his hands were tied behind, a sack was thrown over his head and he was beaten in the car. After travelling for around two hours, the car was switched to another one which took A.Mukhtarli to unknown destination. They switched cars again and this time passengers of the car were speaking in Azerbaijani. Persons in all three cars kept reporting to someone during the process. When A.Mukhtarli was taken out of the car and the sack was taken off his head, he found himself in the regiment of the State Border Service in Azerbaijan.

He was sentenced to three month of pre-trial detention by the Sabail district Court on 31 May. Signs of fresh wounds and bruising on the journalist's forehead, nose and eyebrow areas could be seen when he was brought to the court. Despite these obvious marks, he was not immediately examined by the court medical expertise, while his lawyer's request demanding video footage from surveillance cameras of the regiment was ignored.

The Ministry of Interior Affairs of Georgia launched a criminal case on illegal restriction of liberty in connection with the event. However, A.Mukhtarli's wife expressed her dissatisfaction with the investigation and believes that failure to function of all surveillance cameras on the streets of Tbilisi where her husband passed in the evening of 29 May could not be a coincidence. The criminal case has been in execution of the Prosecutor General's Office of Georgia since July.

The European Parliament adopted a resolution about the case of A.Mukhtarli on 15 June which called for his immediate release.<sup>21</sup> Amnesty International immediately recognised him as a "prisoner of conscience"<sup>22</sup>, while the European Court of Human Rights decided to review A.Mukhtarli's complaint in a priority order.

*On 12 January 2018 A.Mukhtarli was sentenced to **6 years** in prison by decision of the Balaken District Court's judge Humbat Salimov. Baku Court of Appeal (presiding judge Rafail Aliyev) upheld this decision on 24 April 2018 which Supreme Court (presiding judge Farhad Karimov) confirmed on 18 September 2018.*

On October 7, 2018, A.Mukhtarli was sent to cell. It was reported that the reason for that he went to the medical station without proper permission. According to his wife,

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<sup>21</sup> <http://bit.ly/2vSsbpV>

<sup>22</sup> <http://bit.ly/2qA3HOS>

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the main reason behind that was the journalist's protest against the opening of a new criminal case against political prisoner Mammad Ibrahim. A.Mukhtarli was undressed and was kept under rainy weather. Although he was released from cell after an hour, his telephone conversations were restricted. Previously, he could talk twice a week with his wife, family members and his friends who brought food for him. After that, he was only allowed to talk to his wife. The journalist complained that the confidential phone calls with his family were not provided and a prison officer stood beside him during his calls. The journalist's wife has stated that books with political content were sent to him has been banned. Complaints regarding restrictions have been filed with the Prosecutor General, the Ministry of Justice and the Ombudsman's Office. However, it was unsuccessful. For this reason, A.Mukhtarli has filed two complaints with the Surakhani District Court in connection with the ill-treatment of him in prison, the restriction of telephone conversations, meetings with relatives and getting books.

On December 27, 2018, Surakhani District Court (Judge Ramil Hasanov) sent the complaint to the Surakhani District Prosecutor's Office to investigate whether there were criminal acts in the action of the prison staff regarding ill-treatment allegations. On December 28, Surakhani District Court (Judge Jeyhun Gadimov) considered the restrictions on the telephone conversations, meetings with relatives, and receiving the books. The court dismissed the complaint by declaring it ungrounded.

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### 9. Ziya Alirza oglu ASADLI



© Facebook profile

**Date of arrest:** 05 September 2017 (in the courtroom)

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

**Charge:** Articles 221.3 (*hooliganism, committed using items used as a weapon*)

**Sentence:** 3 years

**Case description:** Z.Asadli resides in Bilasuvar district of Azerbaijan and is a regional correspondent of opposition Azadliq newspaper and critical satellite TV program Azerbaijani hour, broadcasting its programs from France. His critical video reports about social problems of Bilasuvar district had been regularly broadcasted in Azerbaijani Hour dispatches.

Criminal charge against him was based on a claim that the journalist had committed hooliganism in the tea house in Bilasuvar district. According to indictment, in an incident occurred on 19 April, 2017, Z.Asadli has allegedly insulted Aslan Hasanov, who owns a tea house in Bilasuvar city, and harmed him with his "Samsung" phone, which the investigation identified as a "cold steel weapon. The criminal case was started based on the incident on 26 April, 2017 with a charge of 221.1 of the Criminal Code (hooliganism) but later was qualified to the Article 221.3 (*hooliganism,*

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committed using items used as a weapon). Z.Asadli was indicted on 27 May 2017 and placed under police control during the investigation and trial.

On 5 September 2017 Z.Asadli was sentenced by Bilasuvar District Court judge Ramiz Nurullayev to **3 years** in prison and arrested in the court room. On 9 January 2018 Shirvan Court of Appeal (chairing judge Rafiq Jafarov) and on 12 June 2018 Supreme Court (chairing judge Farhad Karimov) upheld this decision.

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### B. WRITERS/POETS

#### **10. Tofiq Khasay oglu HASANLI**



**Date of arrest:** 12 October 2015

**Charge:** Article 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount*) of the Criminal Code

**Sentence:** 6 years

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

**Case summary:** T.Hasanli was one of the critics of the government and its policy. He expressed his criticism in satirical poems and posted them on his Youtube channel before spreading them through social networking sites.<sup>23</sup> His poem collection *Heydarnamə* (*Heydarname*) and other satirical poems made him a target of criminal prosecution.<sup>24</sup> In his interview to RFE/RL Azerbaijan, he said that he was threatened because of his poems and that his arrest was real.<sup>25</sup>

Hasanli first appeared in *Qulp* (“Qulp” is Azerbaijani for “handle” – in a satire context means a “mock”), a satirical program aired on ANS TV station in 2000 with his poems. He became popular for his poem *Dirsək* (Elbow). He was then regularly invited to a program authored by critical poet Baba Punhan at the same TV station. Later, he published 7 critical poems from *Heydarnamə* on the last page of *Millətın səsi* (*Voice of the Nation*) newspaper in 2015. Once the newspaper stopped publishing, he started to cooperate with different press outlets, for example publishing 3 poems from his poem collection *İlhamlı nəğmələr* (“Inspiring songs” – a hint to the name of president – İlham, which means inspiration) in *Xural* newspaper. For these poems, he was arrested in 2005 under the charge of drug possession, which is widely used against critical voices. He was sentenced to the highest punishment allowable

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<sup>23</sup> <http://bit.ly/29zyd76>

<sup>24</sup> <http://bit.ly/29zztYa>

<sup>25</sup> <http://bit.ly/29AYkap>

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under that charge, i.e. 3 years in jail, though in practice, the highest punishment in such cases would be 2 years at most. In 2007, he was released under an amnesty act.

On 13 October 2015, social media and some newspapers reported that the poet had gone missing. 5 days later, his relatives were able to learn that Hasanli had been arrested and transferred to Baku Pre-trial Detention Facility. The police publicized his arrest a few days after it took place, whereas according to the law, a person's arrest must be promptly reported to his close relatives and he must be allowed to hire a lawyer of his choosing.

T.Hasanli was arrested in a store where he was working as a seller. When he was about to close the store, a person, who was known to be a drug user, entered the store. As T.Hasanli had him leave the store and locked it and left, police officers stopped him and made him return. The police claimed to have found drugs on the cash desk in the store. However, it is not convincing that drugs could be openly stored on a cash desk.

T.Hasanli lived in Lankaran together with his aged mother Zarifa Jalalova. Following T.Hasanli's arrest, some video appeals of his mother went online. In these videos, she says that her son was arrested illegally for his poems and that he is being targeted for speaking the truth. She called on the local community to help the poet.

*T.Hasanli with the decision of the Court of Grave Crimes on 22 August 2016 was sentenced to 6 years of imprisonment. Appeal Court of Sirvan (presiding judge Alasgar Novruzov) kept abovementioned decision unchanged on 22 December 2016. On 25 July 2017, Supreme Court (presiding judge Imran Hajigayibov) upheld the decision.*

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### C. HUMAN RIGHTS DEFENDERS

#### 11. Aliabbas Fakhraddin oglu RUSTAMOV



© www.azadliq.org

**Date of arrest:** 28 June 2014

**Charge:** Article 312.2 (*Presentation of a bribe to an official for the commitment of an intentional illegal act (inaction) by him/her, or repeated presentation*) of the Criminal Code)

**Sentence:** 6 years

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

**Case summary:** Aliabbas Rustamov is the head of the Yasavul Law Firm and a prominent human rights defender. Prior to his arrest, A.Rustamov was one of those who openly criticized the government. On his Facebook profile page, he continuously

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expressed strong criticism regarding the country's problems and shared critical posts. During the 2013 presidential elections, A.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, A.Rustamov applied to become a counsel at the court proceeding on tax evasion charges of prisoner of conscience Anar Mammadov (head of Election Monitoring and Democracy Training Center). Though A.Rustamov is considered as one of the best experts in this sphere, difficulties created in the administrative process prevented him from participating in Anar Mammadov's defense. Specifically, Mammadov's signature on his approval of Mammadli as his representative needed to be notarized. However, the prison did not afford him such ability.

On 17 March 2014, A.Rustamov addressed an appeal with a tough language to the President Ilham Aliyev, which drew broad public attention. The appeal was first published as an open letter in newspaper *Azadliq*, and later went viral via other media outlets and social media.<sup>26</sup>

A.Rustamov began his appeal to the president with the following expression: "Comprehensive information about the robbery affairs of high-ranking officials is all around you". He then listed facts concerning the theft of budget funds in the amount of one hundred million manats. After the letter, A.Rustamov expected be arrested, and on 28 June 2014 he was indeed arrested. On the day of his arrest A.Rustamov was only able to talk to a reporter from the newspaper *Azadliq*. "*On the day of his arrest, A.Rustamov called me saying that he is being accused of taking bribes. He considers his arrest to be ordered in connection with his letter to the president*" - Vidadi Mammadov, *Azadliq* reporter told BBC Azerbaijan.<sup>27</sup>

The local press called the formal charges filed against A.Rustamov "absurd," questioning "how can a human rights defender take bribe from his client and how can it be claimed". A.Rustamov's arrest is related to his critical position, defence of opposition activists and his open letter to the head of state.

*On 6 November 2015, Baku Grave Crimes Court (presiding judge Rahib Salmanov) sentenced A.Rustamov to 7 years in jail. Baku Court of Appeal upheld the sentence on 18 August 2016. Supreme Court (Presiding judge Imran Hajigaibov) on 7 February 2017 with its decision shortened the prison term and appointed 6 years of imprisonment.*

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<sup>26</sup> <http://bit.ly/29NVGAI>

<sup>27</sup> <http://bbc.in/29If00u>

**D. POLITICAL AND SOCIAL ACTIVISTS**

**12. Ilkin Bakir oglu RUSTAMZADE**



© Facebook profile

**Date of arrest:** 17 May 2013

**Charge:** 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, when committed by a group of persons or repeatedly*) and 221.2.2 (*Hooliganism committed by resisting a representative of authority or another person implementing his duty to protect the public order or preventing a violation of public order*) of the Criminal Code

**Sentence:** 8 years

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

**Case summary:** I.Rustamzade is a member of the Free Youth organization and the National Council that brings together several opposition parties and civil society organizations. He joined NIDA civic movement in prison as he was charged together with members of this movement. He was studying at the Azerbaijan State Economic University until his arrest.

I.Rustamzade used Facebook to organize a rally under the slogan “*No more soldier deaths*” in central Baku on 12 January and 10 March 2013 to protest against the illegalities and arbitrariness in the Azerbaijani army, as well as death of soldiers in non-combat situations. The protests attracted a large number of participants. I.Rustamzade faced pressure from the authorities because of these demonstrations. He was summoned to the police station and sentenced to administrative detention several times. I.Rustamzade was sentenced to 15 days of administrative detention after the “No Terror” youth rally that was held 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, I.Rustamzade was arrested a few days later and charged with hooliganism. On 12 September, along with imprisoned NIDA members, a new charge of organizing or participating in mass disorders was brought against him and his case was merged with that of NIDA activists.

*I.Rustamzade was sentenced to **8 years** by the judgement dated from 6 May 2014 by the Baku Court of Grave Crimes (presiding judge Javid Huseynov). Baku Appeal Court (presiding judge Hasan Ahmadov) on 16 December 2014, Supreme Court (presiding judge Ingilab Nasirov) 15 October 2015 upheld the decision in force.*

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Amnesty International recognized I.Rustamzade as a prisoner of conscience.<sup>28</sup> All other members of NIDA Civic Movement arrested together with I. Rustamzade were released under pardon decrees.<sup>29</sup>

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### 13. Asif Gambar oglu YUSIFLI



© Facebook profile

**Date of arrest:** 25 December 2014

**Charge:** Articles 178.2.4 (*fraud, that is, seizure of another person's property or purchase of his property rights by deceit or abuse of confidence, thereby inflicting damage in large size*) and 320.1 (*forging a certificate or another official document providing rights or exempting from duties, in order to use or sell that document, as well as making for the same purposes, or selling forged state awards of Azerbaijan Republic, stamps, seals, forms*) of the Criminal Code

**Sentence:** 5 years

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

**Case summary:** A.Yusifli was advisor to the chairman of the Azerbaijan Popular Front Party, and a member of the Presidium of the party.

On the day of his arrest, A.Yusifli had visited the party office together with the APFP Narimanov Office chairman Haji Abbasli by car. On the way back, Abbasli stepped out to buy cigarettes. When he returned to the car, A.Yusifli was gone.

It was later revealed that officers of the Organized Crime Department of the Interior Ministry detained A.Yusifli.

*On 31 July 2015, Baku Court of Grave Crimes sentenced A.Yusifli to 7.5 years in jail. Baku Court of Appeal upheld the sentence on 9 October 2015. The Supreme Court (presiding judge Ali Seyfaliyev) later reduced the sentence to 6 years. With a consideration of the changes to the criminal legislation related to the notion of pecuniary damage Nizami District Court changed the qualification of the crime from the 178.3.2 of the Criminal Code to the article 178.2.4. As a result of this the regime of the imprisonment has been changed but the length of the prison term was not shortened. Later with a decision of the Supreme Court (presiding judge Ingilab Nasirov) dated from 02 March 2017, the prison term was reduced to 5 years.*

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<sup>28</sup> <http://bit.ly/1gJG6nt>

<sup>29</sup> German Chancellor Angela Merkel raised the cases of Afghan Mukhtarli and Ilkin Rustamzde in the meeting with President Ilham Aliyev during her visit to Azerbaijan on 25 August 2018.

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Surakhani District Court did not satisfy appeal of A. Yusifli requesting release in connection with the serving of 2/3 of the sentence. Baku Court of Appeals (chaired by Judge Rizvan Safarov) upheld this decision on 13 June 2018.

A.Yusifli is a Karabakh war-disabled veteran. Shortly before his arrest, he was operated on his foot. He has two underage children, one of which suffers from severe type of diabetes.

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### 14. Fuad Ali oglu GAHRAMANLI



©Facebook profile

**Date of arrest:** 8 December 2015

**Charge:** Articles 220.2 (*Calling for active insubordination towards legal requirements of representatives of the authority and to mass disorder, as well as violence against citizens*), 281.2 (*public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents*) and 283.2.1 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed with use of force or threats of use of force*) of the Criminal Code

**Sentence:** 10 years

**Place of detention:** Prison No 10

**Case summary:** F.Gahramanli is the deputy chairman of Azerbaijan Popular Front Party, an opposition party critical of the government and its policy. F.Gahramanli has been engaged in politics for a long time; he has organized a number of protest actions, been administratively detained in peaceful protests several times and was subject to physical harassment. He regularly published articles of critical nature on press and social media.

On 26 November 2015, a confrontation broke out in Nardaran settlement of Baku between supporters of believer-activist Tale Baghirzade and police leaving 2 police officers and 5 residents dead. Consequently, dozens of believers including Taleh Baghirzade were arrested, and a number of heavy charges were brought against them. F.Gahramanli posted several statuses on Facebook commenting on this incident. He stressed that the believers were actually not guilty and that they were arrested for criticizing governmental policy. Implying religious followers, he went on to say that the incident was followed by silence and that T.Baghirzade was left alone.

Following these posts, pro-governmental media started a smear campaign against F.Gahramanli himself and his party claiming that “they support criminals.”

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10 days after the Nardaran incident, the Grave Crimes Investigation Department of the General Prosecutor's Office summoned him via phone. He asked in what capacity he was summoned to the investigation office and whether there was an official notification. Having received no answer to his questions, he did not visit the investigation office. Shortly thereafter, when taking his children from school to home, police officers detained him in his courtyard and forcefully took him to the investigation office.

Gahramanli was officially charged for remarks he shared on Facebook and sentenced to pre-trial detention. While he was at court, his house was searched and his computer was taken.

Five months later, in May 2016, another charge was brought against him under Article 220.2.

Analysis of the statuses posted by Gahramanli on Nardaran incident shows that these remarks reflect his political view. He did not share opinions, which could form criminal elements underlying the charges brought against him since he did not call for violence or discrimination.

*On 25 January 2017 Baku Court of Grave Crimes (presiding judge Alovzat Abbasov) sentenced F.Gahramanly to **10 years** of imprisonment. Baku Court of Appeal (chairing judge Amir Bayramov) and the Supreme Court (chairing Judge Shahin Yusifov) upheld the decision with 20 July 2017 and 1 March 2018 decisions respectively.*

Amnesty International recognized Fuad Gahramanli as a prisoner of conscience.<sup>30</sup>

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### 15. **Giyas Hasan oglu IBRAHIMOV**



© Fargana Novruzova

**Date of arrest:** 10 May 2016

**Charge:**

**The main case:** Articles 234.4.1 and 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed, in a large amount, by a group on a prior arrangement*) of the Criminal Code

**Additional charge during the arrest:** Article 289.2 (*Disrespect to the court, committed concerning judge and jurymen*) of Criminal Code

**Sentence:** 10 years 3 months

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<sup>30</sup> <http://bit.ly/29JyV26>

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### **Place of detention:** Prison number 2

**Case summary:** In the early hours of 10 May 2016, photos were spread on social networking sites and some news portals portraying graffiti painted on a statue of former President of Azerbaijan Heydar Aliyev in the center of Baku. It could clearly be seen on the photos that words “*Qul bayramınız mübarək*” (“*Happy Slave Day!*”) and “*Fuck the system*” were written on the plinth of the statue with symbols associated with anarchists. To note, Flower Day is held on 10 May, every year, to commemorate Heydar Aliyev’s birthday in Azerbaijan. It is of no doubt that those expressions were written on the statue in a protest to the said holiday.

The next day, 11 May, reports were spread on social networking sites and news portals saying that two youth activists had gone missing. Official information on the issue was only released on 12 May reporting that both youths – Giyas Ibrahimov and Bayram Mammadov (both are NIDA Movement members) were arrested on 10 May charged with drug possession, claiming that 1 kg of heroin was found and taken from each of them. However, the public was not convinced that these young men from low-income families could have such amount of drugs. The discussions on this topic in public and on local media, the speeches of lawyers and statements of local and international organizations hold that the charge is false and the criminal prosecution is politically motivated.

The youths were subjected to beating and inhumane treatment during and after the time of arrest. On 12 May, Khatai District Court (judge Ibrahim Ibrahimli) sentenced them to four months of pre-trial detention. On 6 September 2016, Khatai District Court extended B.Mammadov’s pre-trial detention for another two months and the criminal case was sent to Baku Court of Grave Crimes for hearing at early October. His trial started on November 4, 2016.

During the hearing, it was clearly seen that the two had been subjected to beating and violence. In addition, on 12 May, lawyer Elchin Sadigov witnessed that G.Ibrahimov, who was held in temporary detention facility of Narimanov Police Department, was forced to sweep the premises of the police station. E.Sadigov filed a petition requesting video records of the surveillance cameras of police department with a view to document what he had witnessed. The youths appealed to local and international community with regard to the torture they had been subject to.<sup>31,32</sup>

The United Nations Working Group on Arbitrary Detention, which was visiting Baku at the time, visited the two. The statement of the Group on conclusions of the visit says that what they observed seemed to corroborate the prisoners’ accounts.<sup>33</sup>

Moreover, the youths were not allowed to meet with their family or a lawyer of their choice. This is a serious legal offence. Their detention was in fact hidden for two days. On 11 May, the police searched the apartments of both youths without letting the family members in. Shortly thereafter, they left the apartment claiming that they had found drugs.

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<sup>31</sup> <http://bit.ly/1PTM4EM>

<sup>32</sup> <http://bit.ly/1UJy0ML>

<sup>33</sup> <http://bit.ly/25RjOtI>

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During the court session where both youths were sentenced to pre-trial detention, they admitted that they had painted graffiti on the statue. They added that the police wanted them to apologize to the monument, on a camera of state television, promising to free them in return.

G.Ibrahimov and B.Mammadov were final year students of Baku Slavic University. At the time of their arrest, there were only 2 exam sessions pending before their graduation from the university. Their lawyer appealed to both Penitentiary Service and Baku Slavic University requesting to allow them to take their final exams, however, they were not allowed. In fact, they were prevented from graduating from the university. Both were participants and winners of intellectual games aired on Azerbaijani TV stations.

Upon the detention of the youth, Freedom House and Human Rights Watch stated that the charges were not convincing and that the arrest was a blow to freedom of expression.<sup>34,35</sup>

Amnesty International recognized both youths as prisoners of conscience.<sup>36</sup>

Appeals have been sent to the European Court of Human Rights against the imprisonment sentence of both youths.

On 14 September, Sabail District Court dismissed the petition filed by the youths for opening of a criminal case on their having been subjected to torture and inhumane treatment at the time of arrest.

*G.Ibrahimov's trial was held at the same court. Both activists declared in the trial that they are solely arrested for angering "big brother" by writing political slogans on the statue of his father, thus protesting cult of personality. While prosecutor requested **9 years** of deprivation of liberty for G.Ibrahimov, the judge Anvar Seyidov sentenced the activist to **10 years** of prison – longer term, than requested by prosecutor. Issuing harsher sentence than the one requested by prosecutor is not practiced in Azerbaijani courts. Baku Court of Appeal (chairing judge Vugar Mammadov) upheld the decision on 5 June 2017, did so the Supreme Court (chairing Judge Ingilab Nasirov) on 30 November 2017.*

*Baku Court of Appeal filed a complaint about G.Ibrahimov and his father Hasan Ibrahimov, claiming that they insulted both the jury and the court. Based on their complaint, Yasamal District Court (judge Huseyn Safarov) issued on 18 December 2017 additional sentence about Ibrahimov – adding **3 months** to his prison term. Giyas's father H.Ibrahimov was sentenced to 6 months community service. The Baku Court of Appeal (presiding judge Rizvan Safarov) upheld the decision on 21 February. The Supreme Court (presiding judge Ali Seyfaliyev) upheld the decision of appellate court on 10 October 2018.*

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<sup>34</sup> <http://bit.ly/2afehU8>

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

<sup>36</sup> <http://bit.ly/29MDXKm>

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**16. Bayram Farman oglu MAMMADOV**



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**Date of arrest:** 10 May 2016

**Charge:** Articles 234.4.1 and 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed, in a large amount, by a group on a prior arrangement*)

**Sentence:** 10 years

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

**Case summary:** Are identical with the previous case, except additional charge part.

*B.Mammadov was sentenced to **10 years** of imprisonment with the decision of Baku Court of Grave Crimes (presiding judge Eynulla Valiyev) dated from 08 December 2016. Baku Court of Appeal (presiding Judge Hasan Ahmadov) with its decision dated from 10 February 2017 kept the previous decision in force. On 20 June 2017, the Supreme Court (chairing Judge Farhad Karimov) upheld this decision.*

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**17. Elgiz Jamal oglu GAHRAMAN**



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**Date of arrest:** 12 August 2016

**Charge:** Article 234.1 (*Illegal purchase or storage of drugs exceeding the consumption limit with no intention to sell*) of the Criminal Code.

**Sentence:** 3 years

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

**Case summary:** Upon completion of his studies in Turkey and his return to the country, the youth activist saw the socio-political affairs, human rights, and regional concerns of South Azerbaijan and Eastern Turkustan as national issues and took an active part in rallies and conferences. Since 2015, he has been a member of NIDA civic movement and was a candidate of the movement at parliamentary elections of November 2015. On his Facebook profile, the youth activist strongly criticized one of

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the proposed changes to the Constitution that implied removal of age limit for presidency. Shortly thereafter, he was arrested.

Although Elgiz Gahraman was arrested on 12 August, his relatives were only made aware of this on the evening of 14 August, when they could provide him with a lawyer of their choice. However, the lawyer was only able to meet with him after 19 August, when the youth activist was transferred to the Pre-Trial Detention Facility from the Organized Crime Department of the Interior Ministry. He was held in this Department for a week. He informed the public that he had been subjected to torture while he was held there. Both of his lawyers stated that E.Gahraman had been subjected to torture the signs (red spots) of which remained on his abdominal area, adding that their torture-related appeals were not investigated.

*E.Gahraman was sentenced to 5 years and 6 months of imprisonment by the Baku Court of Grave Crimes (presiding Judge Azad Majidov) on 16 January 2017. Baku Court of Appeal (presiding judge Sahibkhan Mirzayev) with its decision dated 18 May 2017, kept the decision unchanged. On 29 November 2017 Supreme Court (presiding judge Hafiz Nasibov) reduced the sentence to 3 years by changing the incriminated article of Criminal Code from 234.4.3 to 234.1 (decision is based on no intent to sell stored drugs).*

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### **18. Fuad Zafar oglu AHMADLI**



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**Date of arrest:** 18 August 2016

**Charge:** Articles 302.2 (*Implementation of operative-search actions by unauthorized persons, as well as implementation of these actions by authorized persons, but without grounds stipulated by the legislation thereby causing essential infringement of rights and interests of a person which are protected by the law, with use of special means, intended for secret dredging the information*) and 308.1 (*Abuse of official powers, that is, in the exercise of his (or her) official functions, use by an officeholder of his (or her) official powers, in deliberate contradiction to the official interests, with the purpose of obtaining illegal advantage for himself (or herself) or third persons or failure to use these powers when the official interests require to do so, thereby causing substantial damage to the rights and legitimate interests of natural and legal persons, or to the interest of the state or society protected by law*) of the Criminal Code

**Sentence:** 4 years

**Place of detention:** Prison №16

**Case summary:** Fuad Ahmadli, the head of the Youth Committee of APFP Khatai District Office, was arrested by the officers of State Security Service (SSS) before his

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apartment was searched. It was claimed that the search revealed leaflets with speeches of Fethullah Gulen, documents about so-called *Gulen cemaati (Gulen's community)* group and persons who are called *Hizmet 'imams'* and their mutual links, religious literature and electronic media promoting so-called *Fethullahism*. The parents of F.Ahmadli denied this claim.

When the youth activist was arrested, no information was provided to his relatives. Within 10 days of his arrest, no call was made to his family, nor was he able to meet his lawyer. SSS told the lawyer that F.Ahmadli had been taken away from there, adding that the case was under investigation at the General Prosecutor's Office. However, 10 days later it became clear that he was held in SSS' detention facility and the lawyer was able to meet him. The youth activist was later transferred to Baku Pre-trial Detention Facility.

F.Ahmadli was one of the activists standing out in social networking sites and protest actions. He was subject to administrative detention twice, before and after protest actions in 2015 for 25 and 10 days, respectively.

*The Baku Grave Crimes Court (chaired by judge Fikrat Garibov) sentenced F.Ahmadli to 4 years in prison on 16 June 2017. On 16 August 2017 Baku Court of Appeal (chairing Judge Rizvan Safarov) and on 6 March 2018 the Supreme Court (chairing Judge Imran Hajigayibov) upheld this decision.*

On 19 July 2018, Surakhani District Court (Judge Elchin Aghayev) did not satisfy appeal on early release in connection with the serving more than 1/3 of the sentence. Baku Court of Appeal (presiding judge Sahibkhan Mirzayev) upheld this decision on 4 October 2018.

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### 19. Gozal Oruj gizi BAYRAMLI



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**Date of arrest:** 25 May 2017

**Charge:** Article 206.1 (*Smuggling, is moving large amount through customs border of the Azerbaijan Republic of goods or other subjects, except for ones which provided in article 206.2<sup>37</sup> of the present Code, committed except or with concealment from the*

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<sup>37</sup> Narcotics, psychotropic, strong, poisonous, radioactive explosives and explosives, military weapon and engineering (except for the smooth-bore hunting weapon and ammunition to it), fire-arms or ammunition, nuclear, chemical, biological and other kinds of mass destruction weapons, materials and equipment which can be used at creation of mass destruction weapons and concerning which established special rules on moving through customs border of the Azerbaijan Republic, of strategically important raw material, subjects representing cultural, historical or archeological value concerning which established appropriate rules for moving through customs border of Azerbaijan Republic

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*customs control or with use of fowls documents or means of customs identification or connected with undeclared or doubtful declaring) of the Criminal Code*

**Sentence:** 2 years 10 months

**Place of detention:** Prison No. 4

**Case summary:** A smear campaign in a government-controlled media accused Gozal Bayramli, deputy chair of opposition Azerbaijan Popular Front Party (APFP), in smuggling illegal funds from Georgia to Azerbaijan with purpose of organizing unrest (see the case of journalist Afgan Mukhtarli).

Few weeks after the articles, on 25 May, G.Bayramli was detained at the Georgian-Azerbaijani border and he was charged with smuggling 12,000 USD without declaration. The Sabail district Court sentenced her to three months of pre-trial detention.

G.Bayramli's lawyer lodged a motion requesting fingerprint examination of money and wrapping of the money allegedly found on G.Bayramli in order to identify the owner of the item. Another motion on examination of video footage from surveillance cameras of the border crossing station that Bayramli used to cross into the country was raised on 25 May. However, the decision of her pre-trial detention was adopted without considering these motions and other important issues necessary for objective investigation of the case.

Bayramli continues to be subjected to repeated pressure after being transferred to the detention centre. She is denied her medication and proper treatment despite the seriousness of her medical condition, while visits by family members and phone calls are restricted.

*On 23 January 2018 Gazakh District Court (judge Agharza Samadov) sentenced G.Bayramli to 3 years in prison. On 20 April 2018, Ganja Court of Appeal (chairing Judge Teyyub Mukhtarov) upheld this decision. The Supreme Court (presiding judge Hafiz Nasibov) reduced the sentence two months – to 2 years 10 months on 14 November 2018.*

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### 20. Alikram Idris oglu KHURSHIDOV



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**Date of arrest:** 22 November 2017

**Charge:** *Article 221.3 (Hooliganism... committed with application of a weapon or subjects, used as the weapon) and 315.2 (Resistance or application of violence dangerous to life or health concerning the representative of authority) of the Criminal Code.*

**Sentence:** 4 years 6 months

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

**Case summary:** Alikram Khurshidov (1978) is a resident of Shirvan, was detained on 22 November 2017. Shirvan district Court chose remand in detention measure on 24 November, 2017. Shirvan Appeal court rejected the complaint from this decision on 1 December 2017..

A.Khurshidov is a member of Musavat Party since 2003. In 2015 he was elected to chair Shirvan district branch of the party, which, according to party leadership, had positive impact, as Shirvan branch has played active role in 2015 parliamentary elections.

A.Khurshidov has been very active in social networks, actively criticizing policies of president Ilham Aliyev and district officials in his blog posts on Facebook.

Up to his arrest Khurshidov worked as a repairman on contract basis, doing repair and renovation works in individual apartments and houses. One month prior to his arrest a resident of Shirvan insistently asked him to do repair works in his house. A.Khurshidov started work in the man's house, although he had been warned about ill-reputation of the person, who, according to warnings had close relations with police officers.

On the day of arrest, Khurshidov completed his daily work and was about to leave. When he was changing his work clothes to casual attire, the husband of the woman started a fight, blaming him in having an affair with his wife. He pulled Khurshidov to the street, and started beating him there (medical experts confirmed injuries of Khurshidov). A woman – the owner of the house called the police claiming that Khurshidov started the fight. Police which appeared surprisingly soon, claimed that Khurshidov threw stones on them and harmed them. He was brought to police and protocol was compiled based on the house-owner, his wife's and police officers. Ə.Xurşidova qarşı cinayət işi açılıb. 24 noyabr 2017-ci ildə Şirvan Rayon Məhkəməsi onun barəsində 3 aylıq həbs qətimkan tədbiri seçib. Məhkəmənin qərarından verilən apellyasiya şikayətini 1 dekabr 2017-ci ildə Şirvan Apellyasiya Məhkəməsi təmin etməyib.

The criminal case was started based on Hooliganism charge (Article 221.2.2 (hooliganism... committed with resistance to representative of the authority, acting as on protection of a social order or stopping infringement of a social order or with resistance to other person ) and 221.3 (Hooliganism... committed with application of a weapon or subjects, used as the weapon) of the Criminal Code). On 6 January 2017 A. Khurshidov was finally indicted with Articles 221.3 and 315.2 of the Criminal Code.

*On 4 May 2018, Shirvan City Court (Judge Elchin Gurbanov) sentenced A. Khurshidov to 5 years in prison. On 30 August 2018, Shirvan Court of Appeal (chairing Judge Kamran Akbarov) reduced the sentence to 4.6 years.*

A. Khurshidov is married, has daughter of minor age.

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### 21. Orkhan Rafiq oglu BAKHISHLI



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**Date of arrest:** 7 May 2018

**Charge:** Article 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount*) of the Criminal Code

**Sentence:** 6 years

**Place of detention:** Baku Pre-trial Detention Facility

**Case summary:** The young activist is a member of Youth Committee of the Azerbaijan People's Front Party (APFP) since 2011. He was one of the active young activists involved in activities of the Committee, organizing of events and protest demonstrations.

In October 2013 National Council organised a rally in Mahsul Stadium during the election campaign period. A number of young people were summoned in police stations two days after the rally, some of them were administratively detained, others were fined. O.Bakhishli was among of this group of young people and fined of 50 AZN for an alleged administrative offence.

O.Bakhishli was invited to the police station before the all protest demonstrations organised by the National Council in 2016, in some cases while was disseminating flyers inviting people to attend those rallies he was detained and received a warning after which released. Bakhishli's father also received a warning concerning his son in Jalilabad Police Station on the eve of the rally of National Council in September 2017.

The young activist was arrested a few days before the rally of National Council on 31 March 2018 as well. On 27 March 2018, he left the house in order to glue rally posters to the walls and did not come back. Although his family and party colleagues were searching for him, Ombudsman Office and hotline of the police were informed about the case, he was kept incommunicado until 29 March. On that day police station #36 informed his family that O.Bakhishli was administratively detained. for 30 days. He was charged with resisting police under Article 535.1 of the Code of Administrative Offences and sentenced to 30 days of administrative detention by Khatai District Court.

Few days after his release - on the World Press Freedom Day - 3 May he delivered the following speech during the visit of the grave of Elmar Huseynov, the journalist who was shot dead in 2005:

"Aliyev (read as President Ilham Aliyev) should not forget that, although he is thinking that he managed to silence Elmar Huseynov and other our friends by killing them, there

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is Seymur Hazi who is continuing Elmar's path, there is Mehman Huseynov who is doing so with honour. Mehman Huseynov was here, in front of the grave (Elmar Huseynov's) last year and he was arrested a day after he delivered a good speech in here. Aliyev aims to stop us following this path by ordering the arrest of Mehman. I am proud of Ilkin Rustamzade who is following this path even though behind bars, today we have Mehman Huseynov following this path, we have Seymur Hazi, Fuad Ahmadli, Bayram, Giyas... We have to be proud of this fact."<sup>38</sup>

After three days of this speech, on the evening of May 6 2018, O.Bakhishli was arrested by plainclothes men in the park next to Elmlar Akademiyasi metro station and kept incommunicado for more than 24 hours.<sup>39</sup> He was charged with illegal purchase or storage drugs and Yasamal District Court issued four months pre-trial detention decision.

On 16 May Baku Court Appeals upheld the decision on pre-trial detention. During the hearing, O.Bakhishli testified that he has never smoked even cigarette, he did not see drugs and he believes that drugs were planted by the police in his pocket.

The trial started in Baku Grave Crimes Court (presiding judge Mahmud Aghalarov) on 14 August 2018. The preparatory court hearing was actually closed to the public despite it was formally open. Those came to the court to follow the trial including O.Bakhishli's parents were not permitted to enter the court hall. The trial held on 25 August 2018 was partly open to the public. Nobody except the activist's parents and the representatives of Western embassies were permitted to follow the court.

*Baku Grave Crimes Court sentenced O.Bakhishli to 6 years in jail on 18 September 2018. Baku Court of Appeal (presiding judge Hasan Ahmadov) upheld the decision on 10 December 2018.*

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### 22. Mirfeyzulla Ahmad oglu SEYIDOV



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**Date of arrest:** 9 May 2018

**Charge:** Article 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount*) of the Criminal Code

**Sentence:** The case is under investigation

**Place of detention:** Under house arrest

**Case summary:** Mirfeyzulla Seyidov is a member of Azerbaijan Popular Front Party (APFP), he was one of the active participants of the popular movement in the 80s and 90s. He was actively criticizing the government, particularly in Facebook until the

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<sup>38</sup> <https://bit.ly/2O1J5uy>

<sup>39</sup> <https://bit.ly/2O1J5uy>

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day of his arrest. His social network posts reflected accusation of the government in corruption, usurpation of the power through gross election frauds by the incumbent government during the early presidential elections held on 11 April 2018 and importance of the political struggle against negativities. Two days before his arrest he wrote on Facebook:

"When removing teeth they do not feel the heat or cold as it loses sensitivity. I am wondering why the people do not react to so many injustices. Maybe honour of this nation was removed as well?! What is the problem?"

On May 9 he posted again his views which he shared a year ago:

"Our independence is a source of pride for every Azerbaijanian. But the corrupted government is presenting our independence as a source of tyranny. How can one nation be proud of its independence if their rights and freedoms are stolen and they are subjected to cruelty, exploitation and theft of wealth? Tyrants had stolen this proud from us. All bad things happened against our people. Courageous, patriot women and men of this nation were slandered, arrested and killed for demanding protection of right and freedoms as well as justice. There is no any single citizen of this country who was not harmed by this corrupted regime. People were oppressed through economic difficulties, social injustices created by this government throughout 25 years. Look at how many people committed suicide?! Look at how many people had to flee the country?!"

On the same day, he was detained and were taken to the Anti-Organized Crime Unit of the Interior Ministry. On 10 May 2018, Narimanov District Court without the participation of attorney issued a pre-trial detention decision and transferred to Baku Pre-Trial Detention Facility. He was not allowed to meet his attorney until 15 May 2018. After meeting with M. Seyidov, the attorney made a public statement on the worsened health condition of the activist. According to medical documents, he is the first group disabled person having chronic kidney disease and should receive proper hemodialysis treatment three times a week. He is also suffering from diabetes, diabetic nephropathy, hypertonia, anemia. M. Seyidov had heart surgery one year before his arrest with the instalment of two stents. Attorney has submitted an appeal to the General Prosecutor's Office on the health condition of M. Seyidov attaching all relevant medical documents.

On 21 May 2018, Baku Court of Appeal upheld the pre-trial detention decision after consideration of complaint submitted by the attorney. One day later, Narimanov District Court considered the appeal submitted by the attorney requesting to issue house arrest decision instead of detention. The Court satisfied the appeal.<sup>40</sup>

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### **23. Azad Ayaz oglu HASANOV**



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**Date of Arrest:** 10 October 2018

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<sup>40</sup> <https://bit.ly/2IGzxmp>

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**Charge:** Article 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount*) of the Criminal Code

**Sentence:** Not sentenced yet

**Place of Detention:** Baku Pre-trial Detention Center

**Short summary of the case:** Azad Hasanov is member of Musavat Party since 2003. He was actively engaged in political activity, attended rallies and other protests, organized by the party, and had been detained several times. In 2014 he fled the country together with his family and got political asylum in Lithuania in January 2016. Hasanov and his family lived in Vilnius where he continued political activity and organized protest actions in Lithuania with demand to release political prisoners. He was an active member of the Musavat Party's Europe Coordination Center, established by party members in exile.

According to Hasanov's testimony to his lawyer, he came to Baku on 11 October 2018 to see his dying father. He was not stopped at the airport and went directly to his father's house in Hovsan settlement of Baku. Same day, he went to the mosque together with his brother for the afternoon prayer. When they left the mosque, he was detained by four or five plain-clothed people who were waiting for them. Hasanov's arms were screwed and he was forced to get to the black Hundai car. Then he was taken to the place unknown to him. His whereabouts was not reported to the family despite numerous calls to police emergency number 102 by his brother.

On 12 October 2018, Musavat Party has published a statement about arrest of Azad Hasanov, expressing concern about his disappearance. Hasanov's lawyer Osman Kazimov went to the Sabunchu District Police Department, where police instructed him to go to the Anti-Organized Crime Unit (Bandotdel). Anti-Organized Crime Unit denied that they hold Hasanov and advised the lawyer to look for him in Khazar district Police Department. The lawyer applied to the Chief Prosecutor's Office and hotline of the Ombudsperson with no result.

Four days later - on 15 October, Hasanov's lawyer was informed that there is a criminal case against his client. The remand in detention measure was chosen on 12 October 2018 by Khatai District Court where he was denied a right to be represented by his own lawyer, despite his demands. He was provided by state appointed lawyer, who didn't bother to inform his family about the situation. He was indicted with carrying 3,5 grams of heroin in his pocket.

Hasanov's lawyer applied to Khatai District Court for changing remand measure of detention with home arrest. The court rejected the motion on its 26 December 2018 hearing. In January Hasanov participated in solidarity hunger strike protesting new charge against Mehman Huseynov and in protest against violation of his rights as prisoner<sup>41</sup>

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<sup>41</sup> <https://bit.ly/2MaceE9>

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On 11 February 2018 hearing on Hasanov's case started in Baku Grave Crimes Court (chaired by Irada Hasanzade). The jury rejected the motion of the lawyer to change the remand in detention with home arrest in the initial hearing.

Hasanov is married, fathers one child.

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### **24. Abulfaz Niyaz oglu SADIGOV**



© Facebook profile

**Date of Arrest:** 21 November 2018

**Charge:** Articles 178.2.1 ( Swindle, maintaining another persons property or buying another persons property by a deceit or breach of confidence when committed on preliminary arrangement by group of people) and 320 (Fake, manufacturing or selling of official documents, state awards, seals, stamps, forms or use of counterfeit documents) of the Criminal Code

**Detention Place:** Baku Pre-Trial Detention Facility No. 1

**Case summary:** A.Sadigov is the chairman of the opposition Musavat Party Youth Organization. On 21 June 2015 he acquired a loan in Nikoil Bank for buying a car using the same car as a collateral. In January 2017 he was stopped by the road police and was told that he has a debt to the bank. Sadigov went to the bank where he was informed that the debt without interest counts to 5100 AZN and he can clear the car by paying the named amount immediately. According to A.Sadigov and his lawyer, he paid the amount to clear the car from collateral liability, and the car was sold several months later.

On 2 November 2018 Nikoil bank applied to the Ministry of Internal Affairs claiming that the car was cleared from collateral liability based on fake documents. Sadigov was summoned to the Ministry and interrogated within investigation of the embezzlement in Nikoil bank case. On 8 November 2018 a criminal case against Sadigov was launched by the Ministry. He was charged of swindle and producing counterfeit document to submit to the Road Police for clearing the car's liability record without paying the debt. On 21 November 2018 Sadigov was detained and Sabail district court had chosen 3 months pre-trial detention as a remand (judge Shahin Abdullayev). According to the criminal case records and A.Sadigov's lawyer, the document was sent to the forensic investigation and it was established that the document, and the seal on it are not counterfeit. Forensic examination has confirmed that the document, proving that the payment was done, in fact was given by Nikoil bank. Lawyer of Nikoil bank, who has prepared the document is also facing accusation, however, he was not arrested. Nikoil bank branch manager, whose signature is on the document is not facing any liability.

On 22 November 2018 Ministry of Internal Affairs issued a statement, claiming that A.Sadigov together with group of people embezzled large amount of money by

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clearing the car from collateral liability based on counterfeit documents, thus, maintaining a loss to the bank in amount of 22500 AZN. Ministry's statement breaches the presumption of innocence right of A.Sadigov, directly accusing him of the crime, although the authenticity of the document is not questioned by the authorities. Moreover, the Ministry's statement does not name any other members of the alleged group – neither the lawyer, who prepared the document and charged under the criminal case, nor the manager, whose signature is on the document, are named in the statement, although, if the fraud had taken the place and the document is proved authentic, the bank employees should be considered as persons of primary responsibility in the case and these people were in fact named in the indicted.

Baku Appeal court dismissed the motion to change the remand measure on 26 November 2018. The lawyer was informed during hearing, that A.Sadigov is the only person arrested within the case, because the bank has filed complaint only about him, although there are series of similar cases where the bank is questioning "clearing liability documents" produced by their own employees and given to other citizens.

The hearing on the case has started on 18 January 2019 in Garadagh district court (judge Fuad Huseynov). State Road Police officer Asif Sadigov and Nikoil Bank's lawyer Kamran Abbasov are facing the trial within the same case, although no remand in detention is chosen about them.

In his testimony to the court, Sadigov said that interrogation in the Ministry of Internal Affairs was only partly dedicated to the current fraud case. He was also asked about Musavat Youth Organization, number of members, the character of his work and why he travels to Georgia frequently.

Abulfaz Sadigov also said that another defendant in the case – Asif Sadigov is his cousin and he went to the bank lawyer Kamran Abbasov upon the cousin's advice. Abbasov told him that if the amount indebted to the bank will be paid in bulk, his debt would be calculated on a rate of the currency that existed before the devaluation of Azerbaijani manat, and without interests. Sadigov said in the court that he enjoyed this favorable offer, paid 5100 AZN and got a clearance letter from the bank.

In his testimony to the court Kamran Abbasov confirmed that he gave a clearance letter to Sadigov, and confirmed that the signature and the seal on the letter were authentic. However, he denied receiving 5100 AZN from Sadigov. Asif Sadigov, cousin of A.Sadigov, however, testified that the lawyer of the bank not only received the amount, but also returned it to family members after the criminal case was launched and A.Sadigov was arrested. K.Abbasov later confirmed giving the amount to the family members of A.Sadigov during cross interrogation, but claimed that the money were given in order to help the family to pay the bank debt. The court dismissed motion of defense to hear testimonies of the people who were witness of money delivery to the family, thus failing to hear their version of why the bank lawyer has given the money to A.Sadigov's family.

A.Sadigov's family has paid the debt to the bank, as calculated to the date of the clearance letter in the amount of 11500 AZN. However, the bank claimed that the amount to be paid should be higher - 22500. The rest of the claimed amount had been paid by Kamran Abbasov. On 20 February 2019 the bank submitted new clearance letter to the court, confirming that they have no claims toward any of the defendants.

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The trial continues in Garadagh district court, however, the Working Group believes it has enough information to consider the case as politically motivated based on discriminative approach of the investigation and the courts and lack of evidences regarding A.Sadigov's crime:

- Although there are number of reported cases, when the bank has given clearance letters without full payment of the debt, A.Sadigov's case was singled out and turned into a criminal case
  - While these kind of claims are considered in the administrative economic courts, the law enforcement and the bank launched criminal proceedings.
  - Although the alleged counterfeit has not occurred, prosecution insistingly accuses Sadigov of violation of Article 320.
  - The Ministry of Interior singled out A.Sadigov in its statement regarding the case and violated his right of presumption of innocence
  - No other participant of the alleged crime is arrested, despite the same charges put forward against them.
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### ***A case of financing of the opposition party***

On 8 May 2018, Saleh Rustamov, a former head of the executive power of Gadabay region (during 1992-1993 years), who has being involved in small entrepreneurship in Russia since 1997 and became a Russian citizen was arrested in Shamkir region and were taken to Baku. He was charged with illegal possession and storage of drugs. On 9 May, without participation of attorney Narimanov District Court has issued four months pre-trial detention decision. On 10 May Valeh Rustamov, who is a cousin of Saleh Rustamov also was arrested with the same charges and narimanov District Court has issued the similiar decision without participation of an attorney.

On 25 May, three officials of Azerbaijan Popular Front Party – Agil Maharramov, member of presidium of party, Ruslan Nasirli, the head of assembly of Youth Committee of the party and Babek Hasanov, the head of Narimanov unit of the party were arrested. Courts issued a four months pre-trial sentence decision about each with participation of attorneys appointed by state.

On 26 May General Prosecutor's Office and Ministry of Internal Affairs disseminated joint statement:

“As a result of operative-investigative activities implemented by prosecutor and interior units aiming to prevent crimes against entrepreneurship rules established by law and thus targeting economic interests of state. It was collected sufficient evidences on commitment of activities legalizing criminally obtained funds at large amounts as a result of illegal eteprenurship in order to finance of organizing of events in our republic and abroad contradicting to our state, statehood and national interests by Ali Karimli, Ganimat Zayidov, Saleh Rustamov, Vidadi Rustamli, Agil Maharramov, Ruslan Nasirov, Babek Hasanov and other representatives of Azerbaijan Popular Front Party, which was not registered in the Ministry of Justice together with Baku residents Jeyhun Huseynov, Rauf Isgandarov, Heydar Ahmadov, Tural Mehdikhanov and others.

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Saleh Rustamov, residing in the Russian Federation, in order to conceal the source of receiving criminally obtained funds, with the purpose of carrying out an actual banking operation, carried out propoganda in the territory of Russia in order to finance the activities of the APFP without state registration in the order provided by the legislation, without registration as a taxpayer as well as without special permission (license), thus violating the requirements of the law “On Entepreneurship”, the Tax Code and other normative legal acts. Furthermore, since March 2016, Saleh Rustamov transferred \$30,000 from his account opened in commercial bank of Moscow, which he monthly collected from citizens of Azerbaijan working in bank sector and acquainted with Rustamov to Vidadi Rustamli via Jeyhun Huseynov, Rauf Isgandarov, Heydar Ahmadov and Tural Mehdikhanov, who were involved in illegal transferring of currencies in Baku. V. Rustamli received these funds and transferred to Agil Maharramov, Ruslan Nasirov and Babak Hasanov. Thus, serious suspicions were found regarding financing of the activities of the APFP in the amount of \$412,000, covering economic interests of gang members and implementing other financial operations, as well as regarding activities to legalize a large amount of money illegally received. As a result of investigation interrogated B. Hasanov, R. Nasirov, A. Maharramov confessed to illegal actions and said that the money sent by Saleh Rustamov from Moscow was received from Vidadi Rustamli and was transferred to Ali Karimli and other persons with the purpose of financing of the activities of the organization they represent. Bank cards and other documents confirming illegal money circulation has been found in their apartments and documented as material evidences...”

The statement did not cover issue of drug trafficking charges under which S. Rustamov and V. Rustamli were arraessted 16-18 days before.

The core elements of criminal case that resulted with arrest of five people are illegal entrepneurship and legalizing criminally obtained funds. According to lawyers and legal experts cooperating with the Working Group, there are no elements of illegal entreperneurship and legalizing criminally obtained funds in this case:

“For illegal entrepreneurship it is required that the person is not registered before tax authority. Here the case is about S.Rustamov who is a Russian citizen and he was involved in entrepreneurship in neighboring country. His registration before the tax authority in Russian Federation excludes any possibility of accusation this person of illegal entrepreneurship. In this case Article 192 of the Criminal Code and law-enforcement agencies of Azerbaijan cannot bring such charges against him. Secondly, application of Article 193 of the Code, legalizing illegally obtained funds is generally absurd. By the logic of the investigation it is possible to bring charges against almost every citizen under this Article. There is a huge number of Azerbaijanians living and working in Russia and they transfer funds to their relatives so they can spend it for their living. Does it mean that all of these people are legalizing illegally obtained funds? The third aspect concerns the fact that investigation presented APFP, its Chairman and members as an organized group. It was mentioned that S.Rustamov collected funds from various people and presented it to the APFP. Why donations given from one person to the political party should trigger charges under Article 193 of the Criminal Code? It is totally groundless.”<sup>42</sup>

S.Rustamov and V.Rustamli were kept incommunicado until 25 May, i.e. during 15-17 days.<sup>43</sup> Nor relatives, neither lawyers were allowed to see them therefore suspicions that they were subjected to tortures were high. Since S.Rustamov is a Russian citizen his wife requested involvement of Russian Ministry of Foreign Affairs

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<sup>42</sup> <https://bit.ly/2Oz5vnN>

<sup>43</sup> <https://bit.ly/2v2de5w>

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and Embassy of Russian federation in Baku informing them that S.Rustamov tortured therefore they were not allowed to see him. Family members and lawyers attempted to meet S.Rustamov three times with no success. On 24 May information on death of S.Rustamov as a result of tortures were disseminated in social networks and only after this official representative of the Ministry of Interior Ehsan Zahidov made a statement that S.Rustamov is alive and information on his death is groundless. Later S.Rustamov's brother was allowed shortly to meet him, despite the fact that lawyer was together his brother and wanted to see his client investigation refused to guarantee the right of S.Rustamov.<sup>44</sup>

A.Maharramov and B.Hasanov who were arrasted on 26 May claimed that they were severely tortured, including by usage of electroshock. These claims are realistic since they were kept incommunicado for several days, relatives and lawyers were not allowed visit them for a long time, despite the fact that pre-trial detention sentence was issued they were still kept at the Anti-Organized Crime Unit. However, according to the legislation, a person who arrested by the court decision cannot be kept at the place of temporary detention more than 24 hours and should be transferred to the pre-trial investigation facility. But S.Rustamov, V.Rustamli and others were transferred to the pre-trial detention facility after 19, 26 and 4 days respectively after pre-trial sentence decisions were issued.<sup>45</sup> The fact that General Prosecutor Office and Ministry of Interior Affairs claimed that suspects plead guilty in so short period of time increases the possibility of these people to be subjected to tortures. Attorneys do not prefer publicize facts of tortures of their clients after Yalchin Imanov disbarred after publicizing the fact that Abbas Huseynov, a political prisoner was subjected to tortures and Ethical Code of Attorneys amended.

On 3 June 2018 S.Rustamov's family disseminated a letter written by him and given to the representatives of International Committee of Red Cross on 15 May, when he was still kept at the Anti-Organized Crime Unit. In his letter, S.Rustamov mentioned that he was stopped at the Shamkir by road police on his way from Gadabay district and was taken to Shamkir police station. He was not guaranteed by lawyer and police threatened that his brother and his brother's wife will be arrested and insulted and forced to sign some documents. Then he was taken to the Anti-Organized Crime Unit – known as “Bandotdel”. He continues in the letter:

“I testified here under threats. My cousin Vidadi was arrested and brought here as well. He was tortured, I could hear noises. Therefore I was afraid and did whatever they said. They did not allow me to hire an attorney. Confidential communication is not guaranteed between my lawyer and me until today. I am still at the Anti-Organized Crime Unit. I am tortured through threats. I was forced to sign documents under threats. I was forced to sign testimonies wit regard to pleading guilty. Lawyer who appointed by state did not even visit me. My right to have communication with attorney hired by my brother and relatives was not guaranteed. My human rights were violated. Please help”.<sup>46</sup>

V.Rustamli was transferred to Baku Pre-Trial Detention facility on 7 June 2018 – only after 26 days of detention.

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<sup>44</sup> <https://bit.ly/2AqQuRU>

<sup>45</sup> <https://bit.ly/2KfzKg2>

<sup>46</sup> <https://bit.ly/2AqR3eu>

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The relatives and advocates said they couldn't meet nor contact by phone with the detainees for a long time, they, therefore, filed complaints to various state bodies on the issue. Public Relations Department of Penitentiary Service said to media that they had no any decision on imposing restrictions. The Investigation body remained silent on the allegations this is why B.Hasanov lodged a complaint with Nasimi District Court against the Department for Investigation of Grave Crimes of Prosecutor General's Office. In the court hearing held on 16 August 2018, the representative of the department submitted the judge the decision of the Department on imposing restrictions to all the detainees. It turned out the the Department for Investigation of Grave Crimes issued the decision just before the court hearing. The decision restricted the rights of the detainee's to meet with relatives and to make phone calls. B.Hasanov's advocate filed a complaint with Nasimi District Court against this decision.

On 31 August 2018, Nasimi District Court (judge Babak Panahov) extended pre-trial detention of V.Rustamli by 9 December 2018 and on 3 September 2018, the same judge extended the pre-trial detention of S.Rustamov by 18 December 2018 upon the request of Grave Crimes Investigation Department.

By the decision of 18 September 2018, Nasimi District Court (judge Elman Isayev) extended A.Maharramov, B.Hasanov and R.Nasirov's pre-trial detention by 9 December 2018.

On 25 September Baku Court of Appeal dismissed B.Hasanov's complaint against the decision of Nasimi District Court on extension of pre-trial detention

On 13 Novmeber 2018, Nasimi District Court (judge Shalala Hasanova) extended the pre-trial detention of A.Maharramov, B.Hasanov and R.Nasirov by 7 March 2019 upon the request of Grave Crimes Investigation Department.

The trial started in Baku Grave Crimes Court (presiding judge Eldar İsmayilov) on 7 January 2019. In their testimony, the accused said they were subjected to torture in the Main Organized Crimes Department of the Ministry of Internal Affairs and filed a complaint in this regard with the prosecution and the court. Since the domestic courts dismissed their complaints they applied to the European Court of Human Rights. During the trials, police detained up to 30 fellow party members in front of the court building on 7-30 January. 7 out of them were sentenced to different terms of administrative arrest, 5 were fined and others were released after warning.<sup>47</sup>

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### **25. Saleh Maharram oglu RUSTAMOV**



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<sup>47</sup> <https://bit.ly/2t1FD5G>

**A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN**

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**Date of arrest:** 8 May 2018

**Charge:** Articles 192.3.2 (*Implementation of business activity without registration in the order provided by the legislation of Azerbaijan Republic, or without special permission (license) in cases when such permission (license) is mandatory, or with infringement conditions of licensing, which caused damage to citizens, organizations or state in the significant size, as well as committed of income in significant size, committed in an extensive amount*), 193-1.3.1 (*Legalising criminally obtained funds and other properties, committed by an organized group or criminal gang*) and 193-1.3.2 (*same actions, committed in a large amount*), 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount*) of the Criminal Code

**Sentence:** The trial continues.

**Place of detention:** Baku Pre-trial Detention Facility

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**26. Vidadi Valeh oglu RUSTAMLI**



© Facebook profile

**Date of arrest:** 10 May 2018

**Charge:** Articles 192.3.2 (*Implementation of business activity without registration in the order provided by the legislation of Azerbaijan Republic, or without special permission (license) in cases when such permission (license) is mandatory, or with infringement conditions of licensing, which caused damage to citizens, organizations or state in the significant size, as well as committed of income in significant size, committed in an extensive amount*), 193-1.3.1 (*Legalising criminally obtained funds and other properties, committed by an organized group or criminal gang*) and 193-1.3.2 (*same actions, committed in a large amount*) of the Criminal Code

**Sentence:** The trial continues

**Place of detention:** Baku Pre-trial Detention Facility

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**27. Agil Ali oglu MAHARRAMOV**



**A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN**

*Covering the period up to 20 February 2019*

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**Date of arrest:** 25 May 2018

**Charge:** Articles 192.3.2 (*Implementation of business activity without registration in the order provided by the legislation of Azerbaijan Republic, or without special permission (license) in cases when such permission (license) is mandatory, or with infringement conditions of licensing, which caused damage to citizens, organizations or state in the significant size, as well as committed of income in significant size, committed in an extensive amount*), 193-1.3.1 (*Legalising criminally obtained funds and other properties, committed by an organized group or criminal gang*) and 193-1.3.2 (*same actions, committed in a large amount*) of the Criminal Code

**Sentence:** The trial continues

**Place of detention:** Baku Pre-trial Detention Facility

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**28. Babak Gazanfar oglu HASANOV**



© Facebook profile

**Date of arrest:** 25 May 2018

**Charge:** Articles 192.3.2 (*Implementation of business activity without registration in the order provided by the legislation of Azerbaijan Republic, or without special permission (license) in cases when such permission (license) is mandatory, or with infringement conditions of licensing, which caused damage to citizens, organizations or state in the significant size, as well as committed of income in significant size, committed in an extensive amount*), 193-1.3.1 (*Legalising criminally obtained funds and other properties, committed by an organized group or criminal gang*) and 193-1.3.2 (*same actions, committed in a large amount*) of the Criminal Code

**Sentence:** The trial continues

**Place of detention:** Baku Pre-trial Detention Facility

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**29. Ruslan Shamil oglu NASIROV**



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**Date of arrest:** 25 May 2018

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**Charge:** Articles 192.3.2 (*Implementation of business activity without registration in the order provided by the legislation of Azerbaijan Republic, or without special permission (license) in cases when such permission (license) is mandatory, or with infringement conditions of licensing, which caused damage to citizens, organizations or state in the significant size, as well as committed of income in significant size, committed in an extensive amount*), 193-1.3.1 (*Legalising criminally obtained funds and other properties, committed by an organized group or criminal gang*) and 193-1.3.2 (*same actions, committed in a large amount*) of the Criminal Code

**Sentence:** The trial continues

**Place of detention:** Baku Pre-trial Detention Facility

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### **E. RELIGIOUS ACTIVISTS**

#### ***(1) Members of Muslim Unity Movement and people arrested in Nardaran Settlement***

##### **a. Taleh Baghirzade and Muslim Unity Movement**

Upon graduation from Azerbaijan State Economic University, Taleh Baghirzade (Haji Tale), a well-known theologian born in 1984, received religious education in Iran. Upon completion of his study in Iran, he returned to Azerbaijan. He peacefully attended the rally held before the Ministry of Education on 6 May 2011 in protest of the hijab (headscarf) ban at schools. Baghirzade was arrested along with other participants of the rally and a criminal case was opened against him. He was sentenced to 1.5 years of imprisonment without any grounds. After serving his full sentence, he was set free in November 2012.

Four months after his release from prison, he continued his criticism of the hijab ban. Additionally, in his sermons in Baku and regions, he criticized the government and its policy, which resulted in his arrest on 31 March 2013 under drug possession charge, a widely used accusation against activists. On 1 November 2013, Taleh Baghirzade was sentenced to 2 years in jail by Sabunchu District Court. On 25 March, a few days before his arrest, he had posted one of his critical sermons on his Youtube channel.<sup>48</sup> In that speech, he stated that it won't be possible to divert him from his way by arrests and that a true believer who seeks God's protection must not be afraid of a dictator's oppression. The part of T.Baghirzade's speech where he criticized the government is as follows:

“We are in such a situation that we haven't spoken out until now. And now they tell not to come to this mosque. We have kept silent until now. They have occupied so many Azerbaijani places. With wrongly gained money, with the people's money they have bought so many places. Yet we are not talking about the settlement thereof. Where you

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<sup>48</sup> <http://bit.ly/2cE0tGt>

\* While Baghirzade was in prison, an additional charge was brought against him for allegedly possessing an illegal item (mobile phone) in prison. As a result, his imprisonment was extended for 4 months. Therefore, he was released on 31 July, rather than 31 March. To harden his imprisonment conditions and prevent his protest against the detention conditions, he was transferred to Gobustan Closed Prison, from where he was released.

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have taken the lands of people, eaten the oil of people and the goods of people... You are sitting there without anyone telling anything to you. You have crossed the line. Now you want to rule inside the mosque. If it is not the crossing of a line, then what is it? This is God's place. No official, no matter how thick his neck is, cannot rule inside the mosque. Yes, they are afraid that they can lose the goods, the properties they have accumulated”.

While T.Baghirzade was in prison, the Muslim Unity Movement was presented on 13 January 2015. The event started with the national anthem of Azerbaijan. Then the acting chairman of the Movement Elchin Gasimov opened the event and said that the chairman of the Movement is T.Baghirzade. He added that the Movement is led by a Management Board. Several members of the Board spoke in the event. Baghirzade's letter with regard to the Movement was read out in the event.

The Muslim Unity Movement applied to the Ministry of Justice for registration three times. Every time, the Ministry refused registration citing various excuses. According to the Charter of the Union, its purpose is to educate the youth in the field of development and protection of sovereignty, peace, tolerance, democratic governance, and religious and racial unity. The Charter also notes that the Movement operates in accordance with the Constitution and laws of the Republic of Azerbaijan.

In addition to the Movement, Baghirzade has also been a member of the National Council of Democratic Forces, a coalition of several opposition parties and organizations. Despite pressures on him, he refused to quit the Council.

### **b. Muslim Unity Movement and its chairman T.Baghirzade's activities**

After Baghirzade's release from prison on 31 July 2015, the operation of the Movement became more active. On the day of his release, T.Baghirzade severely criticized the government and its policy in his interview to media.<sup>49</sup> He said that he left the “small prison” for a “bigger prison”. He added that the country is in miserable condition and that they will continue to fight the oppressor for release of political prisoners. In his widely discussed interviews given to media after his release, Baghirzade said that the hijab problem at schools still remain unsolved. He noted that for getting a passport, hijab-wearing women are still not allowed to present photos where they wear a hijab. He added that the government needs to solve these problems rather than pressuring the believers. He described the government as illegitimate for violating rights and freedoms rather than conducting reforms.<sup>50</sup> In another interview, he said that there is no perspective for creation of an Islamic state in Azerbaijan.<sup>51</sup>

T.Baghirzade and Movement's members started to pay visits to regions, hold meetings with people, make religious conversations and speeches as a theologian. In the 50-year anniversary event of Movsum Samadov, jailed head of Islamic Party of Azerbaijan, held on 4 September, T.Baghirzade made a speech saying that there is no free society in Azerbaijan and that the attitude towards political prisoners is no different than the attitude to Azerbaijani hostages in Armenia<sup>52</sup>. In his speech, he talked about the importance of religious unity, the safety of Azerbaijani people, welfare and danger of conflict in a religious context.

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<sup>49</sup> <http://bit.ly/2cNZSQA>

<sup>50</sup> <http://bit.ly/2cW80AC>

<sup>51</sup> <http://bit.ly/2cFTyPb>

<sup>52</sup> <http://bit.ly/2cr5nFU>

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On 27 September, in the Congress of APFP where the government position was strongly criticized, the deputy head of the Movement E.Gasimov made a speech.<sup>53</sup> In his speech, he blamed the government for subjecting the believers to repression and thanked APFP for protecting believers.

The position of the Muslim Unity Movement (MUM) on the parliamentary elections held in Azerbaijan on 1 November 2015 coincided with that of several oppositional parties; they decided to boycott the elections due to lack of suitable environment for free and fair elections.

T.Baghirzade also commented on the termination of the Ministry of National Security and arrests of several high ranking officers saying that a true high treason has been committed by these persons. He also criticized the SOCAR for supplying free gas to an Armenian church in Georgia, but not supplying gas to Nardaran settlement of Baku. He strongly criticized the authorities for violation of rights in Azerbaijan.<sup>54</sup>

### **c. Pressures on T. Baghirzade and other members of Muslim Unity Movement**

The refusal to register the Muslim Unity Movement (MUM) was aimed at preventing it from operating.

For the interview he gave on the night he was released from prison, T.Baghirzade was summoned to Yasamal District Police Office for two days. He was told that he should not make remarks like “to leave the small prison for a bigger prison” and that he should not defend people like Leyla Yunus. Shortly afterwards, T.Baghirzade publicly stated that he received a threat message via a special means and that preparations were underway for his arrest. He also noted that all mosques have been ordered not to let him into mosques to read sermons. T.Baghirzade added that he only reads sermon in mosques located in Nardaran and Mashtaga villages of Baku.<sup>55</sup>

On 22 September, T.Baghirzade was summoned to the former Ministry of National Security for a so-called preventive conversation. They discussed the socio-political and religious situation in the country, saying that some remarks made by him in mosques located in Nardaran were against the state. Baghirzade blamed the government for the tension and called for a solution to the problems.<sup>56</sup>

Three days later, on 25 September, T.Baghirzade and some of his supporters were detained and taken to police department when they were heading to Yevlakh region to attend a celebration ceremony. The police told him that they were informed of an anti-state speech to be made in Yevlakh mosque. T.Baghirzade told them that no speech was planned and that he was going to the mosque to pray, so he and his supporters were set free. In an interview given after their release, he once again stated that he is not afraid of guns, referring to the armed police officers who besieged the mosque.<sup>57</sup>

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<sup>53</sup> <http://bit.ly/2cNerWl>

<sup>54</sup> <http://bit.ly/2dgtlpc>

<sup>55</sup> <http://bit.ly/2crsCQj>

<sup>56</sup> <http://bit.ly/2dgxzNA>

<sup>57</sup> <http://bit.ly/2crugBx>

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On 3 November, two days after the parliamentary elections of 1 November 2015, Baghirzade was summoned to Yasamal District Police Office. The police chief Isfandiyar Mehbaliyev started to talk to him rudely, blaming him for organizing an event on the commemoration day of National Hero Mubariz Ibrahimov and bringing people together. Since it was prayer time, Baghirzade asked to be allowed to pray, but the chief didn't allow praying in the police office. When T.Baghirzade insisted, he was subjected to violence. He was hit in the jaw and not allowed to pray. His complaint lodged with the prosecutor's office against the actions of the police chief didn't receive serious examination.

E.Gasimov, the deputy head of the MUM, strongly criticized the government for failure to hold transparent elections and for the violence committed against Baghirzade in police office in some news portals and on Facebook. The next day, on 5 November, he was detained by police officers when coming home located in Mastaga village and taken to Sabunchu District Police Office. On 6 November, he was sentenced to 30 days of administrative detention by Sabunchu District Court and charged with resisting police, a widely used charge against activists. In the meantime, another operation was held resulting in arrest of other members of MUM in Nardaran. Thereafter serious charges were brought against E.Gasimov as well and a criminal case was opened. He was sentenced to pre-trial detention.

On 5 November, MUM activists gathered in front of the police office to learn the reason for his arrest, to support him and to call for his release. The police used force and arrested activists. The activists were initially put in administrative detention; however, a criminal case was later opened against them and they were imprisoned.

Three weeks later, on 26 November, the Ministry of Internal Affairs and State Security Service held a joint operation in Nardaran settlement, where T.Baghirzade was temporarily settled, resulting in the death of 7 persons, including two police officers. Baghirzade and 16 more persons were detained as a result of the operation. Following this incident, the supporters of MUM were arrested both in Baku (mainly in Nardaran) and in regions.

Following the incident of 5 November, a systematic and large-scale campaign against T.Baghirzade kicked off in media. On 10 November, pro-governmental politologist Ilgar Altay addressed an appeal to the Prosecutor General asking for opening of a criminal case against T.Baghirzade and investigation of his activity. In his appeal, he described the activities of T.Baghirzade as strengthening of the Iranian-Persian agents' network.<sup>58</sup> Smear materials, including this appeal, started to spread. Xazar TV station, which is broadcast nationwide, aired a program titled "Committing provocation under the guise of religion," in which the MUM members are described as criminals, thereby violating their right to presumption of innocence.<sup>59</sup>

On 10 November, MUM activists made a statement with regard to this campaign against the MUM, saying that they are facing a smear campaign. The statement went on to say that the MUM is not engaged in anything illegal and that they have no demands outside of the framework of the Constitution and laws of the Republic of

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<sup>58</sup> <http://bit.ly/2d5HoeT>

<sup>59</sup> <http://bit.ly/2cIi790>

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Azerbaijan.<sup>60</sup> T.Baghirzade himself also had told the media that preparations were underway for his third arrest and that he can face provocation at any time. He stated that they are struggling in peaceful ways and that they will sue those who slander them.<sup>61</sup> Part of the campaign against MUM concerned its lack of registration as a religious community. Mubariz Gurbanli, head of the State Committee for Work with Religious Organizations, told TV stations and newspapers that the organization did not have official registration as a religious community and that this was inadmissible. Commenting on the issue, the MUM said that it is a non-governmental organization, not a religious community and that their application for registration with the Ministry of Justice had been turned down several times.

Following 26 November operation, the public campaign against MUM and its members continued. State-run news agencies and pro-governmental mass media outlets started to publish appeals from various communities and regions criticizing the activity of MUM, accusing its members of committing crimes and supporting President Ilham Aliyev's policy.<sup>62,63,64</sup> The Caucasian Muslims Office released a statement with political content at the late hours of the day the operation was held<sup>65</sup>.

Baghirzade was continuously summoned to law enforcement agencies after his release and received warnings. Nonetheless, he always responded to summons and visited relevant state bodies in time. His organization also had applied to the Ministry of Justice for registration. T.Baghirzade gave regular interviews to media, stating that they are guided by the Constitution and laws.

### **d. Charges brought against T.Baghirzade and other members, court proceedings and treatment (claims regarding heavy torturing of believers).**

Following the operation carried out on 26 November, the Ministry of Internal Affairs and General Prosecutor's Office released a joint statement.<sup>66</sup> The statement says that Tale Bagirov, Elman Agayev, Zulfugar Mikayilov and Abulfaz Bunyatov "*created a movement called Muslim Unity with the intent to change constitutional structure of the state by force and build a religious state governed by laws of shariah.*" The statement goes on to say that said persons collected supporters from Baku and other regions of the country, provided them with various types of firearms, supplies, explosives and created a criminal gang. Moreover, "*they organized illegal meetings in Nardaran settlement of Baku where they discussed the ways of raising the population against the government, gave instructions to their supporters and distributed summons to the people*". Concrete tasks of every member of the armed criminal gang, as well as persons in charge of committing terror acts against public officers, were determined.

A criminal case was opened at the General Prosecutor's Office. Heavy charges brought against the imprisoned persons could result in their lifetime imprisonment.

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<sup>60</sup> <http://bit.ly/2cWUyMv>

<sup>61</sup> <http://bit.ly/2cz1kay>

<sup>62</sup> <http://bit.ly/2d6cGQI>

<sup>63</sup> <http://bit.ly/2cYYZoh>

<sup>64</sup> <http://bit.ly/2d6d6ql>

<sup>65</sup> <http://bit.ly/2d6cVeA>

<sup>66</sup> <http://bit.ly/2cupLYt>

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The case of a group of persons, including T.Baghirzade, whose investigation has been completed, has been sent to the Baku Court of Grave Crimes and proceedings are ongoing. Of four persons mentioned in the statement released by the Interior Ministry and General Prosecutor's Office on the operation day, only T.Baghirzade's investigation has been completed and sent to court, whereas it could be concluded from the statement these four committed the same criminal actions and their investigation would be done together.

Imprisoned believers reported that they were subject to heavy torture and forced to testify against themselves. In particular, T.Baghirzade and people arrested together with him stated at the trial that they were subject to terrible torture and insults. Their reports regarding torture were not examined by the court. The judges disregarded this issue with silence. The activists said in the court, that the tortures were aimed at obtaining confessions in the crimes they have never committed and testimonies against the leaders of the Muslim Unity Movement. T.Baghirzade said in the court that there was an attempt to force him to testify against the National Council of Democratic Forces, an opposition movement and the Popular Front Party of Azerbaijan in order to obtain "evidences" of their involvement in radical extremist religious activities. Deputy chairman of the Popular Front Party Fuad Gahramanli is also arrested within the same case (see his case above № 16) for calling for civic protest against police violence during Nov 26, 2015 operation in Nardaran. None of the torture allegations had been investigated by the court or law-enforcement agencies. Petitions of the lawyers to investigate tortures were dismissed on several occasions.

The observation of court proceedings showed that the investigation failed to prove the charges brought against them. The investigation had not examined the fingerprints of arrested persons; the lawyers' motion in this regard was not granted.

The police officers who are recognized by the investigation as victims failed to explain in their testimonies in the court who and under what circumstances threw the grenade that left a police officer dead. The investigation claimed that a hand grenade killed one police officer. However, the absence of a grenade-imposed hole at the incident scene, separation of only one fragment from the grenade hitting the police officer without hitting anyone else casts serious doubt on this issue.

All police officers deemed as victims gave similar testimonies saying that the persons arrested by them had grenades and firearms in their rear pockets and only knives in their hands that allowed the police officers to easily contain and arrest them. They failed to explain what makes them a victim; the investigation also stated that they suffered moral damage. The families of killed police officers didn't join the court hearings as victims.

During the hearings, the believers subjected to torture recognized the police officers torturing them and explained in detail how those specific police officers tortured, insulted and treated them.

Number of witnesses invited to the court refused from their previous statements to investigation explaining that those statements were taken under torture and threats. After their testimony in the court several witnesses were summoned or detained and

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taken to the Anti-Organized Crime Unit of the Interior Ministry and further subjected to threats.

Forum 18, an organization which monitors and spreads information regarding the situation of freedom of conscience enshrined in Article 18 of Universal Human Rights Declaration in different countries, released a statement on Nardaran incident.<sup>67</sup> Catherine Cosman, senior analyst of US Commission on International Religious Freedom, told media that she does not believe the claims regarding MUM's attempted overthrow of power adding that there are serious doubts regarding the charges brought against the imprisoned<sup>68</sup>.

### ***People arrested in front of the Sabunchu District Police Office***

Following the arrest of E.Gasimov, deputy head of the Muslim Unity Movement (MUM) on 5 November, a group of people gathered in front of the Sabunchu District Police Office to learn the reason of his arrest and call for his release were detained. These people were sentenced by Sabunchu District Court to the highest allowable imprisonment under the charges brought against them. They appealed against the judgment.

The persons arrested on the said date were charged with hooliganism and resisting police. However, these charges were later dropped and they received administrative detention under the charge of resisting police. The people released on November 20 and thereafter were again detained for Nardaran incidents and sentenced to administrative detention again. While in administrative detention, they faced charges under which they were sentenced.

One of these detainees Sahil Rzayev, who had been earlier arrested in the hijab protest and sentenced to imprisonment, filed an appeal saying that both him and his believer friends were subjected to heavy torture and that they did not commit any crime and peacefully protested against E.Gasimov's arrest. The appeal was publicized in the press.<sup>69</sup>

The verdict issued on these persons shows that their imprisonment is only based on the testimonies of police officers. The video records taken from security cameras installed before the police office, which were submitted to the court, do not show any resistance of these persons against the police officers or their being involved in confrontation. The records show a group of people standing before the police office, a large number of police officers in the area, a conversation going on between believers and some police officers that later turned to a conflict as a result of use of force by police officers.

*Sabunchu District Court (judge Suleyman Agayev) sentenced on 03 August 2016 E.Bünyadov to **6 years 1 month 15 days**, L.Ahmadov to **5 yrs 11 month 20 days**, A. Aliyev to **5 yrs 11 months**, S. Rzayev to **6 yrs 5 months 15 days** and N.Valiyev to **5 yrs 11 months 10 days** in prison. The decision was upheld by Baku Appeal Court*

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<sup>67</sup> <http://bit.ly/2cKIrPD>

<sup>68</sup> <http://bit.ly/2d7kbcq>

<sup>69</sup> <http://bit.ly/2drxlmI>

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*(chairing judge Vugar Mammadov) on 08 May 2017 and The Supreme Court (chairing judge Gulzar Rzayeva) on 28 November 2017.*

**30. Elkhan Hatif oglu BUNYADOV**



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**Date of arrest:** 05 November 2015

**Charge:** Articles 228.4 (*illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting*), 233 (*organizing actions causing violation of public order or active participation in such actions*) and 315.2 (*use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties*) of the Criminal Code

**Sentence:** 6 years 1 month 15 days

**Place of detention:** Prison № 16

**Case summary:** Elvin Bunyadov was among the people who gathered before the Sabunchu District Police Office in protest of the detention of E.Gasimov, deputy chairman of Muslim Unity Movement.

*E.Bunyadov was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 6 years, 1 month and 15 days in jail. Baku Appeal Court (presiding Judge Vugar Mammadov) with its decision from 8 May 2017 kept this sentence in force.*

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**31. Latif Suleyman oglu AHMADOV**



**Date of arrest:** 05 November 2015

**Charge:** Articles 233 (*organizing actions causing violation of public order or active participation in such actions*) and 315.2 (*use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties*) of the Criminal Code

**Sentence:** 5 years 11 months 20 days

**Place of detention:** Prison №16

**Case summary:** Latif Ahmadov was among the people arrested in front of the Sabunchu District Police Office while peacefully protesting detention of E.Gasimov, deputy chairman of Muslim Unity Movement.

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*L.Ahmadov was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 5 years, 11 months and 20 days in jail. Baku Appeal Court (presiding Judge Vugar Mammadov) with its decision dated 8 May 2017 kept this sentence in force.*

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**32. Anar Yusif oglu ALIYEV**

**Date of arrest:** 05 November 2015

**Charge:** Articles 233 (*organizing actions causing violation of public order or active participation in such actions*) and 315.2 (*use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties*) of the Criminal Code

**Sentence:** 5 years 11 months

**Place of detention:** Prison №16

**Case summary:** Anar Aliyev was among the people arrested in front of the Sabunchu District Police Office while peacefully protesting detention of E.Gasimov, deputy chairman of Muslim Unity Movement.

*A.Aliyev was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 5 years and 11 months in jail Baku Appeal Court (presiding Judge Vugar Mammadov) with its decision from 8 May 2017 kept this sentence in force.*

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**33. Sahil Xalid oglu RZAYEV**



**Date of arrest:** 05 November 2015

**Charge:** Articles 233 (*organizing actions causing violation of public order or active participation in such actions*) and 315.2 (*use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties*) of the Criminal Code

**Sentence:** 6 years 5 months 15 days

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

**Case summary:** Sahil Rzayev was among the people arrested in front of the Sabunchu District Police Office while peacefully protesting detention of E.Gasimov, deputy chairman of Muslim Unity Movement.

*S.Rzayev was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 6 years, 5 months and 15 days in jail. Baku Appeal Court (presiding Judge Vugar Mammadov) with its decision from 8 May 2017 kept this sentence in force.*

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### **34. Niftali Ashraf oglu VALIYEV**

**Date of arrest:** 05 November 2015

**Charge:** Articles 233 (*organizing actions causing violation of public order or active participation in such actions*) and 315.2 (*use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties*) of the Criminal Code

**Sentence:** 5 years 11 months 10 days

**Place of detention:** Prison № 17

**Case summary:** Niftali Valiyev was among the people arrested in front of the Sabunchu District Police Office while peacefully protesting detention of E.Gasimov, deputy chairman of Muslim Unity Movement.

*N.Valiyev was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 5 years, 11 months and 10 days in jail. Baku Appeal Court (presiding Judge Vugar Mammadov) with its decision from 8 May 2017 kept this sentence in force.*

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***Taleh Baghirzade and people arrested together with him during the operation carried out in Nardaran settlement***

### **35. Tale Kamil oglu BAGHIRZADE**



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**Date of arrest:** 26 November 2015

**Charge:** Articles 120.2.1 (*deliberate murder, committed by a group of persons, a group of people on a prior arrangement, an organized gang or a criminal union/organisation*), 120.2.3 (*deliberate murder of the victim or his close relatives in connection with performance of service or public duty by the victim*), 120.2.4 (*murder, committed with special cruelty or in publicly dangerous way*), 120.2.7 (*murder of two or more persons*), 120.2.12 (*murder, with the motive of national, racial, religious hatred or enmity*), 29, 120.2.1 (*attempt to deliberate murder, by a group of persons, a group of people on a prior arrangement, an organized gang or a criminal union/organisation*), 29, 120.2.3 (*attempt to deliberate murder of the victim or his close relatives in connection with performance of service or public duty by the victim*), 29, 120.2.4 (*attempt to murder, with special cruelty or in publicly dangerous way*), 29, 120.2.7 (*attempt to, murder of two or more persons*), 29, 120.2.12 (*attempted murder, with the motive of national, racial, religious hatred or enmity*), 28, 214.2.1 (*preparation to a crime, terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the*

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*purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends) 28, 214.2.3 (preparation to a crime, committed with use of fire-arms or objects used as a weapon), 214-2 (public calls for actions enshrined in Articles 102, 214, 214-3, 215, 219, 219-1, 226, 227, 277, 279 or 282,<sup>70</sup> as well as dissemination of materials with such content), 220.2 (Calling for active insubordination towards legal requirements of representatives of the authority and to mass disorder, as well as violence against citizens), 228.3 (Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, committed by an organized gang), 228.4 (illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting), 278 (actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state), 279.1 (creation of armed formations or groups, which are not provided for by the legislation of the Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military hardware or military equipment), 281.2 (Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed repeatedly or by a group of persons), 283.2.3 (Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang) and 315.2 (Use of force, dangerous to life or health,*

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<sup>70</sup> Criminal Code Articles 102 (attacks directed against an internationally protected representative of a foreign state, or on a staff member of an international organisation, or on premises or means of transport of these persons, if such acts are committed with intent to provoke a war or aggravate international relations); 214 (terrorism, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends), 214-3 (Receiving a training, with a view of perpetration of actions envisaged by Articles 102, 214, 215, 219, 219-1, 226, 227, 277 or 282 of the present Code, on the methods of perpetration of the said actions, use of firearms, explosives, toxic substances and other publicly dangerous methods of technical equipment), 215 (the capture or detention of a hostage with a view to compel the State, an organisation, or an individual to perform or to abstain from taking any action as a condition for the release of the hostage), 219 (Stealing of aircraft, ship or railway train), 219-1 (piracy, that is, is an attack on sea and river ships with a view of capture of another's property with application of violence or with threat of application of violence), 227 (plunder or extortion of radioactive materials), 277 (attempt on the life of a statesman or a public figure, committed for the purpose of discontinuing his service or political activity, or out of revenge for such activity (terror act)), 279 (establishment of illegal armed formations or groups), 282 (Subversion, that is, perpetration of an explosion, arson, or of any other action aimed at the destruction or damage of enterprises, structures, roadways, communications and communication facilities, or vital livelihoods of the population, with the aim of undermining the economic security or the defence capacity of the Republic of Azerbaijan, or mass poisoning or spread of infectious diseases among people and animals with the same aim)

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*against a representative of authority, in the performance of his professional duties) of the Criminal Code*

**Sentence:** 20 years

**Place of detention:** Gobustan closed prison

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**36. Farhad Nasraddin oglu BALAYEV**



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**Date of arrest:** 26 November 2015

**Charge:** same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**37. Jabbar Amirkhan oglu JABBAROV**



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**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 19 years

**Place of detention:** Gobustan closed prison

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**38. Rasim Mirzabala oglu JABRAYILOV**



© Presented by family

**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 17 years

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

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**39. Ibrahim Mahammad oglu KHUDAVERDIYEV**



*© Presented by family*

**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**40. Agil Azer oglu ISMAYILOV**

**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**41. Etibar Rasim oglu ISMAYILOV**



*© Presented by family*

**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**42. Abbas Abdulrahman oglu GULIYEV**



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**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**43. Ali Hasrat oglu NURIYEV**



**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**44. Abbas Hafiz oglu TAGHIZADE**

**Date of arrest:** 26 November 2015

**Charge:** same charges listed in the above case

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6months

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

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**Alibaba Javad oglu VALIYEV**



*© Presented by family*

**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence;** 14 years 6 months

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

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**45. Ramin Maharram oglu YARIYEV**

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**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 10 years

**Place of detention:** Prison No.2

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### 46. Abbas Mammadbagir oglu HUSEYNOV



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**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case and additionally Article 233 (*organization, by a group of persons, of actions violating public 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*)

**Sentence:** 20 years

**Place of detention:** Gobustan closed prison

**New information on the case:** On August 8, 2018, A.Huseynov met with Yalchin Imanov, his defence lawyer, at Gobustan Prison. He informed his lawyer that after his transfer to Gobustan Prison on July 22, he was subjected to systematic torture. Additionally, he mentioned that last time after beaten with a stick and punches he was transferred to the solitary confinement and was tied to the “crucifix” on August 5. After the meeting, Y. Imanov publicized A. Husseinov's allegations and said that during the meeting, he saw the signs of the torture in the body of A.Huseynov. The lawyer also informed the Office of the Ombudsman on the torture allegations, as well as, sued with the Garadagh District Court. However, the District Court refused to consider the complaint, stating that such appeals were not considered in the judicial review procedure as a result, the complaint from the verdict was not provided by the Court of Appeal. Afterwards, the lawyer appealed to the Garadagh District Prosecution Office for investigating allegations of torture.

Meanwhile, on August 10, Deputy Chief of Gobustan Closed Prison applied to the Bar Association about Y. Imanov. He claimed that the lawyer had caused confusion in the society by publicizing his allegations that Huseynov was subjected to torture. On 20 November, the Bar Association ordered to apply to the court in order to disbarment

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of Y. Imanov from the Bar Association and to suspend his legal practice until the decision of the court to become final.

In parallel, A.Huseynov appealed to the Garadagh District Court from inactions of the Garadagh District Prosecution Office claiming that the complaint which was addressed to the Prosecution Office was not effectively investigated. At the hearing, he spoke with details about when and how he was tortured. However, the Garadagh District Court (Judge Rufan Mursalov) did not grant his complaint by the decision of 31 October 2018. The Baku Court of Appeal (presiding judge Kamran Akbarov) upheld the judgment of the first instance court and dismissed appeal on December 19, 2018.

On January 14, 2019, T. Bagirzade, a prisoner in the Gobustan Prison, during his telephone conversation with his relatives, told that A.Huseynov was subjected to torture. He said that on January 13, he witnessed that Huseynov was brutally beaten and that taken to the unknown place. Additionally, he mentioned that Huseynov was in the blood.

About himself, T. Bagirzade informed his relatives that the prisoner who had been sentenced to six years in prison because of burning the other prisoner was transferred to his cell. Later, he said that he was handcuffed, and handcuff was covered with someone's blood when he was taken to a meeting with his lawyer, and that is why his hand was wounded because his handcuff was tight. In this case, there was a risk that he could be infected.

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### 47. **Abulfaz Heybat oglu BUNYATOV**



*© Presented by family*

**Date of arrest:** 26 November 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 22 days

**Place of detention:** Treatment Facility of Penitentiary Service

**Case Summary:** A. Bunyatov was one of the detainees arrested during the operation conducted in Nardaran district. During the operation he was wounded as a result of which he became a disabled person. Later investigation decided to join the cases of A. Bunyatov and Elkhan Isgandarov, who wanted after Nardaran events<sup>71</sup> and arrested in March 2017.

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<sup>71</sup> Although investigation authority claimed that, E.Isgandarov was hiding, according to him and his lawyers he did not hide at all, he was at home and did not receive any oral or written invitation by the investigation.

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On 20 December 2016, decision on pre-trial sentence about A.Bunyatov was substituted with decision to give him to police control. During being under police control he continued his criticism. His close relatives and friends were not allowed visit and assist him since he became disabled person with extensively difficult outcomes.

*On 11 July 2018, Baku Court of Grave Crimes (charging Judge Afghan Hajiyeu) sentenced for 14 years 22 days to prison. It was decided that the beginning of his imprisonment starts from 11 July 2018, first 3 years of imprisonment he should spend in closed prison, the rest of the sentence in maximum-security prison. He was arrested after the hearing in the courtroom. Baku Court of Appeal (presiding judge Amir Bayramov) upheld the decision on 26 September 2018.*

His health is continuously deteriorating and the chance of his survival is too small.

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### **48. Jahad Bala Huseyn oglu BABAKISHIZADE**



**Date of arrest:** 09 December 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

**Place of detention:** Gobustan Closed Prison

**New information on the case:** The Directory of the Prison No. 12 where J. Babakisizade served his term, applied to the Garadagh District Court in order to determine J.Babakisizade's transfer to the Gobustan Prison where detention conditions are much harsher. The reason for the application was indicated that allegedly J.Babakishizade had frequently violated the internal rules of discipline and therefore, had been reprimanded 9 times and punished with solitary confinement.

The Garadagh District Court decided J.Babakishizade to be transferred to Gobustan Closed Prison for 3. J.Babakishizade appealed against the order. He didn't have a lawyer and that is why he was forced to prepare his own appeal. In the hearing at Baku Court of Appeal, J. Babakishizade said that the reason for the aggravation of the prison regime was unknown to him. He also mentioned that he was frequently punished with various pretexts in the Prison No. 12 without any grounds. The Baku Court of Appeal dismissed the appeal. After a while, C.Babakishizade was transferred to Gobustan Prison.

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### **49. Bahruz Rahib oglu ASKAROV**

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**Date of arrest:** 09 December 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**50. Zakir Tapdig oglu MUSTAFAYEV**



**Date of arrest:** 26 December 2015

**Charge:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

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**51. Shamil Adil oglu ABDULALIYEV**



**Date of arrest:** 8 January 2016

**Charges:** Same charges listed in the above case

**Sentence:** 14 years 6 months

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

*Baku Court of Grave Crimes (presiding judge Aloysat Abbasov) with its decision dated 25 January, 2017 convicted T.Baghirzade and A.Huseynov to **20 years** of imprisonment for each, J.Jabbarov received **19 years**, R.Jabrailov **17 years**, A.Valiyev, A.Taghizade, A.Nuriyev, Z.Mustafayev, A.Guliyev, E.Ismayilov, A.Ismayilov, .Khudaverdiyev, B.Asgarov, F.Balayev and J.Babakishizade got **14 years 6 months** each, R.Yariyev was convicted to **10 years** of imprisonment. The Baku Appeal Court (chaired by the judge Bayram Amirov) and Supreme Court upheld decision without any changes in their hearing on 20 July 2017 and 01 March 2018, respectively.*

***The case of E.Gasimov and others***

**Case summary:** E.Gasimov, one of the main figures of the MUM, was arrested by police officers on his way home from a mosque in the evening hours and taken to Sabunchu District Police Office. On 6 November, Sabunchu District Court sentenced him to 30 days of administrative detention, charging him with resisting police. Baku Court of Appeal upheld the sentence. On 27 November, a day after the operation carried out in Nardaran, which was 22<sup>nd</sup> day of his arrest; E.Gasimov faced criminal charges for the actions that had caused administrative detention. He was sentenced to pre-trial detention as an accused person on a criminal case (in fact, he was twice prosecuted for the same action). Shortly afterwards, he faced the same charges brought against some of the persons arrested in Nardaran settlement (see the cases of T.Baghirzade and others above). A gun was claimed to have been found by the search of his house.

E.Gasimov lodged appeals to courts of higher instances regarding the pre-trial detention sentence against him. As his appeals were not granted, he turned to European Court (application with No. 30813/16).

E.Gasimov and his relatives stated that, similar to other arrested persons, he had been subjected to torture and inhuman treatment as well; they filed complaints to the Ombudsman's Office and other institutions. But these complaints were not properly examined. E.Gasimov and his lawyers say he and his supporters were subject to torture and inhuman treatments. These concerns were addressed to Ombudsman Institution and law-enforcement bodies of the country. However, no meaningful investigation of the torture allegations has been conducted. Nasimi District Court extended the pre-trial sentence of Elchin Gasimov on 20 September 2016 to 26 December 2016.

Several other cases related to Nardaran case were united with the case of Elchin Gasimov and sent to the Baku Grave Crimes Court. Charges brought up within this case (see individual sentences in each case: Articles 28, 214.2.1 (*preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group of persons on a prior arrangement, an organized gang or a criminal union/organization*) 28, 214.2.3 (*preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group of persons on a prior arrangement, an organized gang or a criminal union/organization, when committed with use of*

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*firearms or objects used as a weapon), 214-2 (public calls for terror), 220.2 (Calling for active insubordination towards legal requirements of representatives of the authority and to mass disorder, as well as violence against citizens), 228.3 (Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, committed by an organized gang), 228.4 (illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting), 233 (organizing actions causing violation of public order or active participation in such actions) 278 (actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state), 279.1 (creation of armed formations or groups, which are not provided for by the legislation of the Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military hardware or military equipment), 279.3 (creation of armed formations or groups, which are not provided for by the legislation of the Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military hardware or military equipment, leading to death of people or other grave consequences), 281.2 (Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed repeatedly or by a group of persons), 283.2.3 (Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang) 320.1 (forging a certificate or another official document providing rights or exempting from duties, in order to use or sell that document, as well as making for the same purposes, or selling forged state awards of Azerbaijan Republic, stamps, seals, forms), 320.2 (deliberate use of forged documents indicated in Article 320.1 of this Code), 221.2.2 (Hooliganism, committed by resisting a representative of authority or another person implementing his duty to protect the public order or preventing a violation of public order) and 315.1 (Violent resistance to, a representative of authority in connection with the exercise of the latter's official duties, or use against the close relatives of such a representative of authority of violence which does not pose a danger to their life or health, or the threat of use of such violence) of the Criminal Code.*

*Baku Grave Crimes Court (chairing judge Mayil Bayramov) sentenced Elchin Gasimov and Agaali Yahyayev to **15 years** in prison (each), Nahid Gahramanov **13 years**, Isa Ibrahimov, Farhad Muradov, Elgun Akhundov, Vusal Alishov and Seyfaddin Shirvanov to **12 years 6 months (each)**, Alibay Shahbazov, Seymur Aslanov, Ramil Aliyev and Amirali Aliyev to **12 years 3 months** (each) in prison.*

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### **52. Agaali Eldar oglu YAHYAYEV**

**A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN**

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**Date of arrest:** 05 November 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3; 221.3 and 315.2 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 15 years

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

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**53. Elchin Kamal oglu GASIMOV**



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**Date of arrest:** 05 November 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3; 320.2; 221.2.2; and 315.1 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 15 years

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

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**54. Elgun Anvar oglu AKHUNDOV**



**Date of arrest:** 01 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 6 months

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

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**55. Vusal Nadir oglu ALISH**

**A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN**

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**Date of arrest:** 02 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 6 months

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

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**56. Nahid Nasib oglu GAHRAMANOV**



**Date of arrest:** 02 December 2015

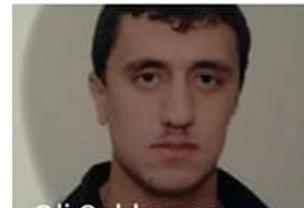
**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 13 years

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

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**57. Alibay Atabala oglu SHAHBAZOV**



**Date of arrest:** 02 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

**Place of detention:** Baku Pre-Trial Detention Facility

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**58. Amirali Ismayil oglu ALIYEV**

**A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN**

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**Date of arrest:** 03 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**59. Farhad Mirzahasan oglu MURADOV**



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**Date of arrest:** 07 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 6 months

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

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**60. Ramil Zabil oglu ALIYEV**

**Date of arrest:** 08 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**61. Seyfaddin Nurulla oglu SHIRVANOV**



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**Date of arrest:** 09 December 2015

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*Covering the period up to 20 February 2019*

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 6 months

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

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**62. Isa Tofiq oğlu IBRAHIMOV**



**Date of arrest:** 18 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 6 months

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

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**63. Seymur Tarlan oğlu ASLANOV**



**Date of arrest:** 23 December 2015

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**64. Elkhan Savadulla oğlu ISGANDAROV**



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**Date of arrest:** 15 March 2017

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*Covering the period up to 20 February 2019*

**Charge:** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 233; 278; 279.3; 281.2; 283.2.3 of the Criminal Code (See description of articles in the case summary above)

**Sentence:** 14 years

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

**Case summary:** Investigation claimed that E.Isgandarov wanted in the framework of Nardaran case and he was arrested on 15 March 2017 at his house, same charges brought against him and Nasimi District Court issued pre-trial detention decision.

*On 11 July 2018, Baku Court of Grave Crimes (chairing Judge Afghan Hajiyeu) sentenced E. Isgandarov for 14 years to prison. Baku Court of Appeal (presiding judge Amir Bayramov) upheld the decision on 26 September 2018.*

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***Other persons detained in connection with Nardaran case and charged with grave crimes***

**65. Zulfugar Sadraddin oglu MIKAYILOV**



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**Date of arrest:** 26 November 2015

**Charge(s):** 28,214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See decription of articles in the case summary above)

**Sentence:** 17 years

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

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**Ruzi Khaliq oglu ISMAYILOV**



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**Date of arrest:** 26 November 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 234.4.3; 278; 279.1; 281.2; 283.2.3; 315.2 (See decription of articles in the case summary above)

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

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**66. Jabir Sabir oglu ALIYEV**

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**Date of arrest:** 26 November 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 234.4.3; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 14 years

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

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**67. Ramil Suliddin oglu SEYFULLAYEV**



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**Date of arrest:** 29 November 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 13 years

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

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**68. Mubariz Eyyub oglu IBRAHIMOV**



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**Date of arrest:** 29 November 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 13 years

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

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**69. Elman Seydamir oglu AGHAYEV**



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**Date of arrest:** 29 November 2015

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**Charge(s):** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 233; 278; 279.3; 281.2; 283.2.3 of Criminal Code (See description of articles in the case summary above)

**Sentence:** 13 years

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

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**70. Ali Hummat oglu HUSEYNOV**

**Date of arrest:** 01 December 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**71. Eldar Ali-aga oglu BUNYATOV**

**Date of arrest:** 01 December 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**72. Mehman Abulfaz oglu GULIYEV**

**Date of arrest:** 01 December 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**73. Mehman Sudef oglu MAMMADOV**

**Date of arrest:** 03 December 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**74. Elkhan Heydar oglu HASANOV**

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**Date of arrest:** 11 December 2015

**Charge(s):** 28,214.2.1; 28,214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 (See description of articles in the case summary above)

**Sentence:** 12 years 3 months

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

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**75. Faig Arif oglu ALLAHVERDIYEV**

**Date of arrest:** 21 January 2016

**Charge(s):** Articles 28, 214.2.1; 28, 214.2.3; 214-2; 220.2; 228.3; 228.4; 278; 279.1; 281.2; 283.2.3 of Criminal Code (See description of articles in the case summary above)

**Sentence:** 13 years

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

*Baku Grave Crimes Court (chairing judge Zeynal Agayev) sentenced on 6 December 2017 Zulfugar Mikayilov to 17 years, Ruzi Ismayilov to 15 years, Jabir Aliyev to 14 years, Elman Agayev, Faig Allahverdiyev, Mubariz İbrahimov and Ramil Seyfullayev to 13 years (each) Ali Huseynov, Mehman Mammadov, Eldar Bunyatov and Elkhan Hasanov to 12 years 3 month (each) prison terms. On 28 March 2018 Baku Court of Appeal (chairing Judge Elshad Shamayev) upheld this decision.*

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**76. Mahammadali Ruhulla oglu AKHUNDZADE**



**Date of arrest:** 22 December 2015

**Charge:** Article 234.4.3 of Criminal Code (*illegal purchase or storage, without the intent to sell, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, when committed in a large amount*)

**Sentence:** 5 years 6 months

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

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**Case Summary:** M.Akhundzade is a son of Ruhulla Akhundzade, Astara district branch chairman of Islam Party. Mahammadali was arrested on 22 December 2015, when he with other family members was on his way from Baku, where he met with his imprisoned father to Astara.

Mahammadali Akhundzade has studied in religious school in Mashhad city of Iran. Along with his work as theology scholar Akhundzade was known as an author of critical articles and posts in social media.

Despite the fact that Akhundzade was in Baku, in the meeting with his father in prison, investigation claimed that he was in Astara and “found” drugs in the Narimanov street of Astara city. He was taken to Anti-Organized Crime Unit and held in the same cell with Tale Bagirov (Bagirzade), chairman of Muslim Unity Movement. During three days of detention he was threatened with charges related to Nardaran case (Bagirzade and others) if he will not agree to the charge on narcotic selling.

Akhundzade was not in the country when police raided Nardaran settlement to arrest Muslim Unity Movement activists on 26 November 2015. When he came back from Iran in mid December, he has studied the Nardaran case and prepared a video “What happened in Nardaran” (<https://www.youtube.com/watch?v=kzYsusqqMCE>) which was placed in Youtube. In that video Mahammadali Akhundzade harshly criticized police operation.

M.Akhundzade said he was subject to psychological and physical torture in “Bandotdel”. These claims were not investigated by the law-enforcement or courts.

During the court investigation lawyers submitted evidences on innocence of Akhundzade, including evidences of his absence in Astara when police claims he “found” drugs. Court failed to examine grounded suspicions of the defense that the narcotics were planted to the pocket of Akhundzade and the case was falsified by police.

*Lankaran Grave Crimes Court sentenced Mahammadali Akhundzade on 30 June 2016 to 5 years 6 months of prison term. In October 2016, Shirvan Court of Appeal (charging Judge Ismayil Ahmadov) upheld the decision.*

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### **77. Ahsan Muzaffar oglu NURUZADE**



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**Date of arrest:** 6 October 2017

**Charge:** Article 234.4.3 of Criminal Code (*illegal purchase or storage, without the intent to sell, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, when committed in a large amount*)

**Sentence:** 7 years

## A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

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

**Case summary:** Ahsan Nuruzade is a member of non-registered Muslim Unity Movement. He is religious and political activist. He organized public support during the trial of the leader of the Movement Taleh Bagirov (Bagirzade) and 17 other activists. eydiyyata alınmamamış Müsəlman Birliyi Hərəkatının üzvü, dini və ictimai fəaldır. In his Facebook page A.Nuruzade regularly posted about falsifications of the investigation carried out by Bandotdel (Anti-Organized Crime Unit of the Interior Ministry) against MUM. In his interviews to media he criticized “Bandotdel” calling the unit “monster and torture cave”. A.Nuruzade was subject to abductions, detentions, and administrative arrests prior to this case.

### *First abduction and arrest*

On 24 January 2017, day before Baku Grave Crimes Court announced a verdict to Bagirov and 17 other MUM activists, A.Nuruzade was abducted by two plain cloth people in his neighborhood. His phone was immediately seized he was forcedly taken into the black Mercedes and taken to the Anti-Organized Crime Unit (Bandotdel). One hour later he was forced under pressure to sign the protocol claiming that he resisted the police (Article 535.1 of the Administrative Offences Code). Same day Narimanov District court sentenced him to 10 days of administrative arrest. He was not allowed to contact family or lawyer during this time. After the sentence A.Nuruzade was not taken to the administrative detention facility, he was brought back to Bandotdel and illegally kept there till 30 January 2017. His family and lawyer were not informed about his whereabouts or the verdict of the court, despite the fact that they officially inquired information on him from all district police departments, Narimanov district Court, Narimanov Police Departments Detention Facility, Anti-Organized Crime Unit (Bandotdel), Administrative Detention Facility, Baku City Police Department, Emergency Calling Line (102) of Interior Ministry, Ombudsman Institution, International Red Cross. Police Departments, Court and Detention Facilities responded repeated inquiries with false information that he is not detained or sentenced.

On 27 January, the family applied to Nasimi District Police Department to register him as a missing person and start searches. On 28 January lawyer of A.Nuruzade Yalchin Imanov made open statement calling minister of Interior to help to find A.Nuruzade. On 30 January 2017 the lawyer received a phone call from Anti-Organized Crime Unit and was informed that A.Nuruzade is in their custody and can see his lawyer. However, Imanov, who went to the Unit was not allowed to see his client. He was informed that Nuruzade is transferred to the Facility for Administrative Detention.

Between 24-30 January, while in the Anti-Organized Crime Unit, A.Nuruzade had been subject to daily interrogations, during which he was asked questions about Taleh Bagirov, Muslim Unity Movement and its financial sources, Popular Front Party, links with Western Human Rights Organizations, National Council of Opposition, links with Iran, his relations with media and human rights defenders. None of these interrogations had been documented, no protocol compiled. During detention he was subject to moral and psychological pressure, ill-treatment. He was plainly demanded to stop his social-political activity, stop supporting Taleh Bagirov, seize relations with

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National Council and not contact journalists and human rights defenders. He was told that all his contacts are betrayers of Azerbaijan's statehood and he was offered to cooperate with law-enforcement. He was threatened with repeated arrest with more serious crimes and worse treatment next time. A.Nuruzade did not agree to cooperate.

### *Second abduction and arrest*

A.Nuruzade was detained again on 19 September 2017, when he, in his home clothes went to the neighbors market to buy sigarets. This time he was forced by two plain cloth people to the Jeep and again brought to Anti-Organized Crime Unit. In the Unit two people unofficially interrogated him. Again he was asked questions about MUM financial sources, activists of MUM, National Council of opposition, Popular Front Party and the preparations to the rally of opposition on 23 September 2017. He was demanded to give information and contacts of his relatives, when refused to give this information he was beaten by officer named Farid. He was threatened that they will use relatives of his wife against him. On 22 September he was taken from the underground cell of the Unit to the investigator and protocol on his detention was compiled. According to the protocol, Nuruzade was swearing near the Anti-Organized Crime Unit and did not submit to demands of police officers to stay calm, continued to cry out obscenities and subsequently was detained by police officers when he tried to escape. When police completed the protocol on administrative offence Nuruzade refused to sign it, declared that none of this was true, and described his detention. On 22 September he was taken to Narimanov District Court which sentenced him to 10 days of administrative arrest. From the court A.Nuruzade was again transferred to Bandotdel and threatened that he will be charged with criminal case and face long term arrest if he doesn't stop his activism. After this talk he was transferred to the Administrative Detention facility at 21.00 on 22 September – 3 days after detention.

During this time A.Nuruzade's family and lawyer were not informed on his whereabouts. The family and lawyer searched for A.Nuruzade inquiring information from Interior Ministry's hotline, Red Cross, National Preventive Group on Torture (Ombudsman Institution), Anti-Organized Crimes Unit. All government agencies denied his detention up to 22 September night. The family was informed about his arrest by state appointed lawyer, after the sentence was announced. Nuruzade was released on 2 October 2017, ten days after the sentence. He was again asked to cooperate with law enforcement and help to destroy Muslim Unity Movement, inform them about processes in opposition National Council.

Anti-Organized Crime Unit used the same official legend in both cases: A.Nuruzade was swearing in the street, did not conform when was asked by police to restore the order and resisted to authorities. First administrative arrest case is pending in the ECtHR.

### *Third abduction and criminal prosecution*

A.Nuruzade was detained on 6 October 2017 when he was heading to the trial on Nardaran case in Baku Grave Crimes Court. Two plain cloth people stopped him near his house, forced him to the black Jeep and he was taken in unknown direction. His family and lawyer inquired in Anti-Organized Unit, Interior Ministry's hotline, Ombudsman Institution, International Red Cross Baku office, Administrative Detention Facility. On 10 October lawyer inquired in Baku Pre-Trial Detention

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facility and was informed that A.Nuruzade was brought there on 9 October evening. Lawyer was informed that A.Nuruzade is being charged with the Article 234.4.3 (storage of drugs with sale purpose) and the investigation is conducted by the Anti-Organized Crime Unit.

Narimanov District Court issued 4 months pre-trial detention decision. Appeal Court upheld the decision.

*On 6 March 2018, Baku Court of Grave Crimes (presiding judge Sabuhi Huseynov) sentenced A.Nuruzade for 7 years to prison. On 8 August 2018, Baku Court of Appeal (presiding judge Mirpasha Huseynov) upheld this decision.*

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### ***Persons arrested in connection to Nardaran case and charged/convicted with minor crimes***

#### **78. Sahib Firuddin oglu HABIBOV**



**Date of arrest:** 5 November 2015

**Charges:** Articles 221.2.2 (*Hooliganism, that is the deliberate actions roughly breaking a social order, expressing obvious disrespect for a society, accompanying with application of violence on citizens or threat of its application, as well as destruction or damage of another's property committed with resistance to representative of the authority, acting as on protection of a social order or stopping infringement of a social order or with resistance to another person*) and 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*) of the Criminal Code

**Sentence:** 14 years 11 months 7 days

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

**Summary of the case:** On 22 July 2016 with a judgement of the Sabunchu District Court (presiding judge Suleyman Aghayev) was sentenced to 4 years, 11 months and 7 days of imprisonment.

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#### **79. Aliasgar Amirkhan oglu JABBAROV**

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**Date of arrest:** 13 April 2017

**Charge:** Articles 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*) and 228.4. (*Illegal purchase, selling or carrying of gas weapon, cold steel, including cold steel throwing weapon*) of the Criminal Code

**Sentence:** 2 years 6 months

**Place of detention:** Prison N. 17

**Summary of the case:** Aliasgar Jabbarov is a brother of Jabbar Jabbarov, who was arrested during the Nardaran events. He was one of active observers and participants of his brother's trial. Shortly after J.Jabbarov talked about tortures committed by employees of the Organized Crimes Unit, his brother Aliasgar was detained by Sabunchu district police on charges of illegal firearms possession – charges commonly used against activists.

*He was sentenced to 2.3 years in prison by decision of Sabunchu District Court.*

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### ***(2) Religious activists arrested in Masalli in 2012***

All of these persons arrested together with journalist Araz Guliyev are residents of Masalli region who are religious followers. Some are friends of A. Guliyev, one (Nijat Aliyev) is a relative of his, and the others are his acquaintances. Some of these persons helped A.Guliyev to collect information for the website he edited. Some had also attended the peaceful protest against the hijab ban at schools in late 2010. On the day the journalist was arrested, only Ziya Tahirov was with him; of the remaining persons, it was only Rza Agali who was arrested on 6 September 2012, like A.Guliyev. 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, while other charges were brought against A.Guliyev. There is no doubt that these persons were arrested for helping A.Guliyev. Their arrest was also intended to make the charges against A.Guliyev more serious, by claiming that the crime was committed by an organized gang.

During the trial, the doubtful and questionable testimonies against the defendants were accepted as more reliable evidence than testimonies given in their favour.

### **80. Rza Gorkhmaz oglu AGHALI**

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**Date of arrest:** 9 September 2012

**Charge:** Articles 233 (*organizing actions causing violation of public order or active participation in such actions*), 315.2 (*resistance to or use of force against a representative of authority*) and 324 (*Insulting national flag or emblem of the Republic of Azerbaijan*) of the Criminal Code

**Sentence:** 7 years

**Place of detention:** Treatment Facility No. 3 for prisoners with tuberculosis

**Case summary:** *On 5 April 2013, R. Aghali was sentenced to 7 years in jail under a decision issued by Lankaran Court of Grave Crimes. Shirvan Court of Appeal upheld this ruling on 9 January 2014.*

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**81. Ziya Ibrahim oglu TAHIROV**



**Date of arrest:** 9 September 2012

**Charge:** Articles 233 (*organizing actions causing violation of public order or active participation in such actions*), 315.2 (*resistance to or use of force against a representative of authority*) and 324 (*Insulting national flag or emblem of the Republic of Azerbaijan*) of the Criminal Code

**Sentence:** 7 years

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

**Case summary:** *On 5 April 2013, Z. Tahirov was sentenced to 7 years in jail under a decision issued by Lankaran Court of Grave Crimes. Shirvan Court of Appeal upheld this ruling on 9 January 2014.*

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**82. Khalid Nofal oglu KAZIMOV**



**Date of arrest:** 14 September 2012

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**Charge:** Articles 233 (*organizing actions causing violation of public order or active participation in such actions*), 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in a large amount*), 315.2 (*resistance to or use of force against a representative of authority*) and 324 (*Insulting national flag or emblem of the Republic of Azerbaijan*) of the Criminal Code

**Sentence:** 8 years

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

**Case summary:** *On 5 April 2013, K.Kazimov was sentenced to 8 years in jail under a decision issued by Lankaran Court of Grave Crimes. Shirvan Court of Appeal upheld this ruling on 9 January 2014.*

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### ***(3) Religious activists arrested in May 2012***

Some of the persons arrested in this case are youth who, like journalist 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 for Islam. These persons attended the peaceful protest against the hijab (headscarf) ban at schools in late 2010. Some had published articles on the website that Aliyev edited and assisted to collect information.

Along with N.Aliyev, they decided to clearly express their position by protesting the destruction of houses in the run-up to Eurovision - without due compensation or court orders – as well as the trumped-up arrests of religious followers, the hijab ban and the issues of the LGBT parade. They prepared CDs with speeches of theologians Abgul Suleymanov and Taleh Baghirzade (both of whom are in prison under false charges), a speech by Azerbaijan Medical University teacher Rashid Mahmudov on ANS TV 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 investigation and trial, the defendants said they had been attempting to share their positions with others.

An expert from the State Committee on Work with Religious Organizations issued an opinion 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 was aimed at inciting 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 was concluded.

The evidence provided by the investigation on other charges brought against the defendants included the testimonies of police employees and search witnesses. But conflicting points in the testimonies came out during questioning in the trial. N.Aliyev and Elvin Nasirov were subject to torture at the time of their arrests. As

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a result, two of N. 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 Pre-trial Detention Facility 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 pre-trial detention, but they signed a statement committing not to travel. However, in contradiction of standard practices, the court did not issue a conditional sentence.

### **83. Elvin Nuraddin oglu NASIROV**



**Date of arrest:** 20 May 2012

**Charge:** Articles 167.2.2.1 (*import, sale or distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), 234.4.1 (*illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell, committed by a group of persons on a prior arrangement or an organized gang*), 234.4.3 (*illegal purchase or storage, without the intent to sell, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, when committed in a large amount*), 281.2 (*Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed by a group of persons*) and 283.2.3 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang*) of the Criminal Code

**Sentence:** 9 years

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

**Case summary:** *E.Nasirov was sentenced to 9 years in jail under a decision issued by Baku Court of Grave Crimes on 9 December 2013. Baku Court of Appeal upheld the ruling on 27 June 2014.*

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### **84. Jeyhun Zabil oglu SAFARLI**

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**Date of arrest:** 20 May 2012

**Charge:** Articles 167.2.2.1 (*import, sale or distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), 234.4.1 (*illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell, committed by a group of persons or by an organized gang*), 234.4.3 (*illegal purchase or storage, without the intent to sell, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, when committed in a large amount*), 281.2 (*Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed by a group of persons*) and 283.2.3 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang*) of the Criminal Code

**Sentence:** 9 years

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

**Case summary:** J.Safarli was sentenced to **9 years in jail** under a decision issued by Baku Court of Grave Crimes on 9 December 2013. Baku Court of Appeal upheld the ruling on 27 June 2014

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### 85. Elimkhan Gurbankhan oglu HUSEYNOV



**Date of arrest:** 22 May 2012

**Charge:** Articles 167.2.2.1 (*import, sale or distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), and 283.2.3 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang*) of the Criminal Code

**Sentence:** 7 years

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

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**Case summary:** *E.Huseynov was sentenced to 7 years in jail under a decision issued by Baku Court of Grave Crimes on 9 December 2013. Baku Court of Appeal upheld this sentence without change on 27 June 2014.*

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**86. Gorkhmaz Huseyn oglu JAMALOV**



**Date of arrest:** 18 January 2013

**Charge:** *Articles 167.2.2.1 (import, sale or distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang), 281.2 (Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed by a group of persons) and 283.2.3 (Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang) of the Criminal Code*

**Sentence:** 7 years

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

**Case summary:** *G.Jamalov was sentenced to 7 years in jail under a decision issued by Baku Court of Grave Crimes on 9 December 2013. Baku Court of Appeal upheld this verdict without any change on 27 June 2014.*

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### ***(4) Chairman of Islamic Party of Azerbaijan and persons arrested together 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 Ministry of Justice for registration. The Ministry did not register the party.

The IPA and M.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, M. 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, M.Samadov sent an appeal to President Ilham Aliyev, reminding the President that he had sworn an oath to the Koran in addition to the constitution. In the appeal, M. Samadov stated that some of President's actions conflicted with both the constitution and the Koran. M.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 M. 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, M.Samadov made a speech strongly criticizing Minister of Education Misir Mardanov for the hijab ban, and President Aliyev for the social situation in the country.<sup>72</sup> In his speech, M.Samadov referred to articles from the *Washington Post* and the *New York Times* about villas in Dubai reportedly owned by the president and his son, adding 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 the country; the money spent on the Flower Festival to celebrate the birthday of former President Heydar Aliyev was essentially stolen from the people; and idolatry was promoted in the country by idolizing Heydar Aliyev. M.Samadov claimed that the Azerbaijani people should be alert on this issue and rise, change the ruling regime and block this oppression. M. Samadov's speech went viral on social media networks, particularly on YouTube, leading to broad discussions.

Five days after this speech was made, on 7 January, M.Samadov, his deputy Vagif Abdullayev, IPA member Elchin Hasanov, and M.Samadov's driver Mirhuseyn Kazimov, were arrested. Employees of the State Traffic Police stopped the car they were travelling in, and several plain-clothed people came out of a black car and

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<sup>72</sup> <http://bit.ly/1mb5txL>

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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 Temporary Detention Center. There was no information about M.Samadov's whereabouts for a few 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 M.Samadov and his cousin from the Guba region Dayanat Samadov gave orders for mass disorders, 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 D.Samadov worked, and seven automatic rifle cartridges in his house. A criminal case was subsequently launched. Another IPA activist, Ruffulla Akhundzadeh, as well as D.Samadov, M.Samadov's brother-in-law Firdovsi Mammadrzayev, and believers who attended the 2 January General Assembly, Faramiz Abbasov and Zulfugar Mikayilzade, were all arrested. Arms and ammunition were reportedly found in their houses. M.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, M.Samadov and the others were sentenced to pre-trial detention.

*On 7 October 2011, Baku Court of Grave Crimes issued a decision sentencing Movsum Samadov to 12 years in prison, Ruffulla Akhundzade to 11.5 years, Vagif Abdullayev to 11 years, Faramiz Abbasov to 11 years, Firdovsi Mammadrzayev to 10 years, and Dayanat Samadov to 10 years. Zulfugar Mikayilzade received 11 years of conditional sentence, with a five-year trial period. The Baku Court of Appeal 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 M.Samadov had not entered into any criminal relationship in advance with those arrested with him. He prepared the speech he made on 2 January by himself. Deputy IPA Chairman V.Abdullayev, head of the IPA Astara branch R.Akhundzade, and religious followers invited to the event F.Abbasov and Z.Mikayilzade, heard the speech at the event. Unlike what the investigation claimed, M.Samadov stated that he did not use the word "Jihad" in his speech, and that like other opposition politicians he had criticized the authorities and called on the people 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 testified under pressure. However, when issuing a verdict, the court attributed the change in testimonies to the influence of third parties. Although the search protocol on the claimed discovery of arms in the shop where D. Samadov worked named Rasim Mukhtar oglu Guloglanov as a search witness, it was later revealed in the court that his real name was Taleh Rasim oglu Piroglanov.

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Another search 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 D.Samadov's conversation with Mammadrzayev in a mosque in Guba, did not recognize Mammadrzayev at the trial. Another witness who claimed to have heard the same conversation, Natig Mammadov, provided his military service certification to the investigation instead of his identification card.

Although this fact casts questions on the witness' identification, the court did not pay any attention to this issue. 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 M.Samadov and the others worked against the national interests of the Azerbaijani state or cooperated with Iranian intelligence services or other bodies.

V.Abdullayev, who had serious health problems, was transferred to prison No. 12, a prison with hard 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.

R.Akhundzade, 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 European Court has accepted the application on this case for consideration.

In October 2014, IPA chairman M.Samadov was transferred from prison No. 11 to 12, where he was placed in a single cell. On 9 October 2014, Garadagh District Court issued a decision to transfer M.Samadov to Gobustan Closed Prison for 2 years. Baku Court of Appeal upheld this decision.

### **87. Dayanat Alasgar oglu SAMADOV**

**Date of arrest:** 08 January 2011

**Charge:** Articles 28, 214.2.1 (*preparation of a crime, by a group on a prior arrangement, an organized gang or a criminal union/organization*), 28, 214.2.3 (*preparation to crime, using firearms or objects used as a weapon*) and 228.3 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*) of the Criminal Code

**Sentence:** 20 years

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

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**88. Firdovsi Teymur oglu MAMMADRZAYEV**



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**Date of arrest:** 12 January 2011

**Charge:** Articles 28, 214.2.1 (*preparation of a crime, by a group on a prior arrangement, an organized gang or a criminal union/organization*), 28, 214.2.3 (*preparation of a crime, using firearms or objects used as a weapon*) and 228.3 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*) of the Criminal Code

**Sentence:** 10 years

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

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**89. Movsum Mardan oglu SAMADOV**



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**Date of arrest:** 20 January 2011

**Charge:** Articles 28, 214.2.1 (*preparation of a crime, by a group on a prior arrangement, an organized gang or a criminal union/organization*), 28, 214.2.3 (*preparation of a crime, using firearms or objects used as a weapon*), 228.3 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*) and 278 (*actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code

**Sentence:** 12 years

**Place of detention:** Gobustan Closed Prison

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**90. Rufulla Hojatullah oglu AKHUNDZADE**



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**Date of arrest:** 21 January 2011

**Charge:** Articles 28, 214.2.1 (*preparation of a crime, by a group on a prior arrangement, an organized gang or a criminal union/organization*), 28, 214.2.3 (*preparation of a crime, using firearms or objects used as a weapon*), 228.3 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 278 (*actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code and 283.1 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media*) of the Criminal Code

**Sentence:** 11 years 6 months

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

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**91. Faramiz Zeynal oglu ABBASOV**



© Presented by family

**Date of arrest:** 24 January 2011

**Charge:** Articles 28, 214.2.1 (*preparation of a crime, by a group on a prior arrangement, an organized gang or a criminal union/organization*), 28, 214.2.3 (*preparation to crime, using firearms or objects used as a weapon*), 228.3 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*) and 278 (*actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code

**Sentence:** 11 years

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

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***(5) Other religious activists***

**92. Abgul Neymat oglu SULEYMANOV**



© Fargana Novruzova

**Date of arrest:** 12 August 2011

**Charge:** Articles 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 233 (*Organisation, by a group of persons, of actions which grossly breach public order, or are associated with insubordination to lawful demands of a representative of authority, or cause disruption of the normal functioning of transport, enterprises, bodies and organisations, as well as active participation in such actions*), 234.1 (*illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell*), 234.4.3 (*manufacturing, processing, transportation, transfer with the intent to sell, or selling of narcotics or psychotropic substances, when committed in a large amount*) and 283.2.1 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media*) of the Criminal Code

**Sentence:** 11 years

**Place of detention:** Prison No. 2

**Case summary:** Abgul Suleymanov is well known in Azerbaijan as a religious activist and influential religious figure. A. Suleymanov, who was teaching the Koran and Islamic religion since 2001 on a mobile basis, 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 cartoons made in Denmark portraying the Prophet Mohammad. Suleymanov also took part in peaceful protests held in front of the Israeli Embassy in Baku on International Jerusalem Day every year between 2006 and 2010. Following a decision issued by the Economic Court related to the destruction of the Fatimeyi-Zahra mosque in 2009, A. Suleymanov organized a peaceful protest in front of the Baku City Executive Committee. He also made speeches from 2009 to 2010 severely criticizing the destruction of other mosques. Suleymanov took part in both protests against the hijab ban at schools (imposed by the Ministry of Education in late 2010). He spoke to the media, describing the decision as illegal. Facing persecution after the May 2011 protest against the hijab ban, A. Suleymanov was arrested in August 2011.

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On 12 August 2011, the Ministry of National Security (MNS) and the Prosecutor General's Office released a joint statement saying A.Suleymanov and journalist Ramin Jahangir oglu Bayramov and IPA member Arif Gulsuvar oglu Ganiyev who were arrested together with him were suspected of assisting a foreign state and its delegates in conducting enmity against Azerbaijan, as well as inciting mass disorders and violation of public safety, and encouraging people for disobedience. The statement went on to say that A.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 to religious followers brochures propagating religious division and discrimination. The website [www.islam-Azeri.az](http://www.islam-Azeri.az) was allegedly created to expand propaganda conducted by so-called "Jafari" radical religious group, and R. Bayramov was assigned to lead the website.

All three were sentenced to pre-trial detention. Although they were subject to a joint investigation, their trials were conducted separately, in conflict with the statement released on 12 August. The district courts sentenced R.Bayramov and A.Ganiyev to 1.5 years in jail (R.Bayramov was recognized by Amnesty International as a prisoner of conscience; both men have since been released). But A.Suleymanov's case was heard by the Baku Court of Grave Crimes. The trial started in August 2012. The last decision about A.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. This clearly showed that A. Suleymanov was detained in prison for three months (from May to August 2012) illegally, that is, without a court decision.

*A.Suleymanov was sentenced to 11 years in jail under 10 August 2012 decision issued by Baku Court of Grave Crimes. Baku Court of Appeal Judge Mirpasha Huseynov upheld the sentence on 23 January 2013. The Supreme Court upheld the decision on 20 November 2014.*

The court investigation did not reveal grounds for its conclusion that the drugs reportedly found on Suleymanov and in his house belonged to him, and that the drugs allegedly found on him were stored with no intent to sell, while those found in his house were stored with the intent to sell. In addition, an expert opinion was issued saying that Suleymanov was not a drug user. The court, however, believed the MNS officers and search witnesses who gave conflicting testimonies without being aware of the essence of the issue. The court was not interested in additional investigations. One of the charges brought against Suleymanov was connected with the peaceful protest against the hijab ban at schools held on 10 December 2010 in front of the Ministry of Education. Although dozens of protesters were arrested at the time, most of them were later released, and some were sentenced to administrative detention. No one else was criminally charged. The fact that A. Suleymanov alone was indicted for this action proves that he was persecuted for his 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 with his speech in the religious assembly nine months before, in November 2010. In his speech, A.Suleymanov criticized the

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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 investigation assessed the call for protest as a call for the use of violence and assessed the expert opinion issued by a state body as a reliable evidence.

The issues noted in the joint statement of the MNS and the Prosecutor General's Office released on 12 August 2011, particularly the establishment of a criminal group, the accusation that the group had received instructions from Iran, the operation of R.Bayramov's website, and other issues of this kind, were not covered in the investigation or the trial at all. This fact also shows that Suleymanov was arrested hastily and under a political order.<sup>73</sup>

Although A.Suleymanov was initially transferred to prison No.13, he was soon transferred to a single cell. Prison management introduced petitions claiming that A.Suleymanov had violated internal order in prison. Based on these petitions, Garadagh District Court Judge Fuad Hasanov issued a decision on 24 April 2013 (a month after A.Suleymanov was transferred to the prison), to transfer A.Suleymanov to the Gobustan maximum-security prison for six months. As a result of appeals against this decision, A. Suleymanov was not transferred to Gobustan prison. But he was transferred to prison No. 8, which has a serious regime, in January 2014, to serve the remainder of his term. In July 2018 he was transferred to prison # 2 with softened conditions since time that he should be spent in high-security prison has ended.

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### 93. Elnur Shakir oglu JAVADOV



**Date of arrest:** 18 March 2016

**Charge(s):**

**First criminal case:** Article 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*) of the Criminal Code.

**Second criminal case:** Article 317-2.1 (*The preparation, keeping, concealment, carrying, transportation or use of prohibited items by a person held in penalty institutions or investigation isolators*) of the Criminal Code.

**Sentence:**

**First criminal case:** 2 years 6 months

**Second criminal case:** 5 months 25 days

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

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<sup>73</sup> <http://bit.ly/1hiq3vA>

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**Summary of the case:** Elnur Javadov is a believer. In June 2015 he moved with his family to Istanbul, Turkey. In March 2016 he returned to his hometown. Four days after his return, on March 14, 2015 Javadov was arrested with charge of resistance to police and sentenced to 30 days of administrative detention. Three days prior to the end of the sentence Ganja Nizami district Court issued a search warrant in the house of Javadov. The search was conducted by police and regional representative of the State Committee for Religious Affairs. Police claimed finding an assault rifle in the apartment, that was unattended for about a month and started a criminal investigation. Following start of the investigation E.Javadov was moved to the Ganja pre-trial detention.

*E.Javadov is sentenced to 2 years and 6 months prison term with the Ganja Nizami District Court's decision (judge Ali Tagiyev) on July 29, 2016.*

The investigation fell short in proving charges against E.Javadov in the court. The question, why representative of the State Committee for Religion Affairs was present during the search has never been answered or investigated. No forensic was conducted to determine if the fingerprints of E.Javadov were on the rifle. The court decision didn't cite any of the testimonies of the family members, including statements of the witnesses saying that the man who came with police search planted the rifle into the house. The court failed to investigate and assess any of the defence arguments.

E.Javadov and his family members consider the real reason for his arrest is his critical Facebook posts about harassment of believers in Azerbaijan and dissemination of the caricatures, targeting the government.

**Second criminal case:** Several day before the end of the prison term, E.Javadov was charged with illegal possession of prohibited item (awl). His term would have ended on 27 October 2018.

At almost the same time, Mammad Ibrahim and Telman Shiraliyev faced the same charges a few days before the end of their term. M.Ibrahim was charged with possession of knife and T.Shiraliyev awl which are prohibited to possess in prison.

*E.Javadov was sentenced to 5 months and 25 days in jail by the decision of Surakhani District Court. His rights before the court was defended by a state-appointed lawyer.*

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### **94. Sardar Arif oglu BABAYEV**



© Presented by family

**Date of arrest:** 22 February 2017

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**Charges:** Article 168-1.3.1 (*repeated action of violation of the procedure for religious propaganda and religious ceremonies*", including by conducting of Islamic rites by a citizen of Republic of Azerbaijan who has received their religious education abroad) of the Criminal Code

**Sentence:** 3 years

**Place of detention:** Prison № 17

**Summary of the case:** Sardar Babayev (Haji Sardar) is a well-known and respected believer in religious communities of Azerbaijan and neighbouring countries. S.Babayev who lives in Masalli region was one of the persons who actively opposed hijab ban in schools and actively supported religious figures who were arrested because of participation in protests related to hijab ban.

However, his main activity was related to conduct of religious ceremonies in the region that he lived. This activity was used as a pretext for his arrest. Thus, investigator of Masalli District Police Office, Sahil Aliyev on 22 February 2012 issued a decision on recognizing Babayev as a suspect of a crime and mentioned this fact in this decision: "on 04.11.2016 (Babayev) held unauthorized religious ceremonies, led the Friday worship in the Masalli City Mosque". Also in the decision, it was mentioned that Babayev gained his religious education in Iran in 1991.

Yet, the investigator did not clarify the issue of the application of these charges retrospectively because the criminal charges prohibiting foreign educated religious figures to lead religious ceremonies were included to the Criminal Code in May 2016 and S.Babayev received his education before that date. Even though the article applied to his case is categorized as a minor offence the presentation on his arrest was submitted to the court and Massali District Court immediately arrested Babayev without investigating allegations against him. Shirvan Court of Appeal also upheld the decision.

*S.Babayev was sentenced to 3 years in prison by the Masalli region Court (judge Anar Almammadov) on 3 July 2017. Shirvan District Court (presiding judge Rafiq Jafarov) upheld the sentence on 25 September 2017*

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## **F. LIFETIME PRISONERS**

### ***Former Special Purpose Police Detachment (SPPD) members***

As a war erupted between Azerbaijan and Armenia as a result of separatist developments in Nagorno-Karabakh beginning from 1988 and the collapse of the Soviet Union in the early 1990s, Special Purpose Police Detachment (SPPD) took part in military operations under the leadership of Rovshan Javadov, the commander of this group. Following the initial battles in the war, Javadov rose to the rank of colonel, and his unit was named as "Special Purpose Police Detachment" (SPPD). In 1991, several SPPD members were awarded the title of "National Hero" for their heroism in the war. In 1993, Javadov was appointed by former President Heydar Aliyev (father of current President Ilham Aliyev) as the Deputy Minister of Internal Affairs for his immense role in bringing him to power. SPPD remained under the control of the Ministry. Elchin Amiraslanov, who is on this list, was appointed the Commander of

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the Gazakh branch of the SPPD. However, a while later, serious discrepancies emerged between Javadov and Heydar Aliyev, and gradually escalated. In January 1995, Amiraslanov 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 failure to detain those who had attempted to transfer oil to Armenia. Following this, the conflicts between SPPD members and Heydar Aliyev moved to an open fight. On 13 March 1995, there was an attack on the SPPD Gazakh branch resulting in a bloody battle. On 14 March, Minister of Internal Affairs Ramil Usubov (who remains in this position to this day), issued an order to discharge SPPD and take 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 office in Baku. As a result, Rovshan Javadov died in the hospital of the Ministry of Internal Affairs due to the heavy wounds he sustained.

This incident was followed by countrywide crackdown on 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 charge brought against the prisoners, Safa Poladov and Arif Kazimov, instructed by Elchin Amiraslanov, killed the police chief of the Gazakh region, and the chief of the MNS department for Gazakh-Agstafa in the “Akasiya” restaurant located in the Gazakh region. Although all three prisoners were charged with high treason and sentenced to the death penalty, the merits of this charge were not proven by the investigation or the court. E.Amiraslanov was also charged with participating in the murder of Special Office Chief Shamsi Rahimov, and Deputy Head of the National Assembly Afiyaddin Jalilov.

The charge related to the incident in the Gazakh region was not proven in the trial. The relatives of the deceased persons stated that they had no complaints against the prisoners, and said that these persons had not killed their relative. They said that the deceased persons had been killed in connection with the investigation into the transfer of oil to Armenia.

Nonetheless, E.Amiraslanov, A.Kazimov, and S.Poladov were sentenced to 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 appealing against the decision. E.Amiraslanov was sentenced to **15 years in prison** under 22 September 2000 decision of the Supreme Court. However, the same decision upheld his previous sentence of lifetime imprisonment (his initial sentence of the death penalty was changed to lifetime imprisonment).

In interviews and articles published by media in 2010 and 2011, former MNS officer Ramin Nagiyev, who now lives abroad in political asylum, stated that the murders, which were claimed to have been committed by SPPD members, were actually

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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 without any reason given.<sup>74</sup> Nagiyev's statements have not been officially dismissed.

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

On 10 February 1998, the National Assembly (Mili Məclis) passed a law amending the Criminal Code, the Criminal Procedure Code, and the Correction-Labor Code, to abolish the death penalty in Azerbaijan. Article 4 of this law says that the punishment of persons sentenced to the death penalty prior to the law taking force, shall be replaced with a sentence of life in prison. In fact, death penalty was replaced with a type of punishment that was not enshrined in any legislative act at the time.

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 has direct legal power, and serves as the basis of the country's legislative system. According to the seventh paragraph 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 retrospective effect. Other normative-legal acts have no retrospective 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 15 years, but no more than 20 years.

As such, the replacement of the death penalty with sentences of life in prison aggravates the legal situation of the SPPD members in comparison with 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 15 years, but not more than 20 years. Thus, the alternative for the death penalty enshrined in the said Code was a term of imprisonment for more than 15 years, but not more than 20 years. So the death penalty should have been replaced with a maximum sentence of 20 years of imprisonment in 1998.

According to paragraph 7 of Article 149 of the Constitution, the National Assembly could not have replaced the death penalty sentence with a sentence of life in prison under the 10 February 1998 law. The reason is that the 10 February 1998 law aggravated the legal state of the prisoners in comparison with what was enshrined in the Criminal Code of 8 December 1960. In addition, the 10 February 1998 law, which replaced the death penalty sentences of the SPPD members with lifetime imprisonment, lost its power on 1 September 2000, when the new Criminal Code took effect. That means that it is illegal to force SPPD members to serve life sentences in prison, as the 10 February 1998 law is not in force.

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<sup>74</sup> <http://bit.ly/1f0C3kt>

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### ***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 of the Council of Europe approved the 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 developed and disseminated a report covering the conclusions of the investigations concerning the presumed political prisoners in Azerbaijan and Armenia. Paragraph 19 of this report contained a list of 23 persons (due to time constraints and a lack of data, only these cases were investigated) who were assessed by the group of experts and determined to be political prisoners or not. E.Amiraslanov and A.Kazimov were on this list, and were considered to be political prisoners.<sup>75</sup> The Parliamentary Assembly of Council of Europe (PACE) adopted Resolution No. 1272 on “Political Prisoners in Azerbaijan” on 24 January 2002. In paragraph 10 of this Resolution, PACE called on the Azerbaijani government to release E.Amiraslanov and S.Kazimov, along with the other political prisoners.<sup>76</sup>

Continuing their activity under their new mandate, the independent experts, in their report of 12 May 2003, concluded that S.Poladov was also a political prisoner.<sup>77</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>78</sup> In follow-up to Resolution No. 1359, PACE adopted a report on 31 May 2005. Paragraph 26 of this report stresses that three persons determined to be political prisoners by the independent experts – E.Amiraslanov, A.Kazimov, and S.Poladov - still remained in prison, and expressed concern over this.<sup>79</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, was replaced with 25 years in prison under a pardon decree, E.Amiraslanov, A.Kazimov, and S.Poladov did not receive the same treatment.

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

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<sup>75</sup> <http://bit.ly/1hEhLL3>

<sup>76</sup> <http://bit.ly/1h3hjoL>

<sup>77</sup> <http://bit.ly/P93b7e>

<sup>78</sup> <http://bit.ly/1dUqbwR>

<sup>79</sup> <http://bit.ly/1gJUxIg>

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**95. Elchin Samad oglu AMIRASLANOV**



**Date of arrest:** 10 December 1996

**Charge:** Criminal Code (of 1960) Article 57 (*High treason*); Article 57-1, Part 2 (*Use of the Armed Forces of the Republic of Azerbaijan and other armed units established by the legislation of the Republic of Azerbaijan against the Azerbaijani people or constitutional state bodies, resulting in grave consequences*); 15 (*Preparation of a crime or attempting a crime*) and Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); 17 (*participation*) and Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); 15 (*Preparation of a crime or attempting a crime*), 17 (*participation*), 59 (*killing a state figure or public figure or representative of authority under political motivation*); 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, 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 hardware or military equipment*); Article 70-2, Part 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*); 15 (*preparation of a crime and attempting a crime*), 17 (*participation*), Article 94, Part 3 (*Killing a victim with respect to his fulfilment of his service or public duty*); 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 fulfilment 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, paragraphs 1, 2, 5 and 6 (*Robbery committed by a group of persons on a prior arrangement 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*

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*in large amount, that is, an attack related to dangerous violence or a threat to commit such violence endangering health or 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, knuckleduster 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)*

**Sentence:** Life imprisonment

**Place of detention:** Gobustan Closed Prison

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### 96. Arif Nazir oglu KAZIMOV



**Date of arrest:** 10 December 1996

**Charge:** Criminal Code (of 1960) Article 57 (*High treason*); Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); Article 15 (*Preparation of a crime or attempting a crime*) and Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); 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, 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 hardware or military*

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equipment); Article 70-2, Part 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, paragraphs 1, 2, 5 and 6 (*Robbery committed by a group of persons on a prior arrangement 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 endangering health or 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*)

**Sentence:** Life imprisonment

**Place of detention:** Gobustan Closed Prison

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97. **Safa Alim oglu POLADOV**



**Date of arrest:** 10 December 1996

**Charge:** Criminal Code (of 1960) Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); 15

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*(Preparation of a crime or attempting a crime) and Article 59, Part 1 (killing a state figure or public figure or representative of authority under political motivation); 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 hardware or military 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); 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);*

**Sentence:** Life imprisonment

**Place of detention:** Gobustan Closed Prison

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### **G. PERSONS ARRESTED IN THE RELATION TO SOCIAL PROTESTS**

#### ***(1) People arrested for Ismayilli protests in 2013***

On the evening of 23 January 2013, Emil Shamdinov, the administrator of the Chirag Hotel located in the Ismayilli region, and his acquaintance Elmaddin Mammadov, crashed into the car of a local taxi driver and then beat the taxi driver. Both men were drunk at the time of the incident. The hotel was owned by Vugar Alakbarov, a son of former Minister of Labour and Social Protection of Population Fuzuli Alakbarov (this fact was proven by Ilgar Mammadov, who was arrested for the same incident, with official records). During the incident, both men insulted Ismayilli residents who 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 the Head of the regional 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 from Baku and neighbouring regions and arrests began. A criminal case was opened into the incident. 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 with 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 protests.

In the framework of the criminal case, a total of 18 persons were arrested for the incident. Sixteen of them are residents of the Ismayilli region. The other two prisoners included Ilgar Mammadov, Chairman of the ReAL movement, and Tofiq Yagublu, a

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Deputy head of Musavat party and a correspondent of Yeni Musavat newspaper. T.Yagublu was released from prison under a pardon decree of March 2016. On 13 August 2018, I. Mammadov was conditionally released by the decision of the Sheki Court of Appeal. Two years probation time applied as well, which means travel ban for this period of time, will be applied.<sup>80</sup>

The persons 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 disorders and participating in these disorders.

Under the 17 March 2014 judgment issued by Shaki Court of Grave Crimes Judge Rashid Huseynov, 10 of the arrested persons received 4 to 8 years in jail, and 8 were released in the courtroom on probation. Although some of the defendants pled partly guilty, others were arrested under false and ordered accusations. In other words, in addition to I.Mammadov and T.Yagublu, there were residents of the Ismayilli region who were arrested under clearly political motives. The involvement of these persons in criminal actions was not proven in the trial. Even police officers testifying as witnesses said that they had not seen the faces of those who set the fires or threw stones, and that general protests of a number of residents took place. 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.

### **98. Vasif Adalat oglu IBRAHIMOV**

**Date of arrest:** 25 February 2013

**Charge:** Articles 220.1 (*organizing or participating in mass disorders accompanied by violence, breaking, arson, destruction of property, application of firearms or explosives, or armed resistance to a representative of authority*) and 315.2 (*Use of violence or violent resistance to, a representative of authority in connection with the exercise of the latter's official duties, or use against the close relatives of such a representative of authority of violence which does not pose a danger to their life or health, or the threat of use of such violence*) of the Criminal Code

**Sentence:** 8 years

**Place of detention:** Shaki Penitentiary Facility

**Case summary:** Vasif Ibrahimov was one of the Ismayilli 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. V.Ibrahimov had publicized the pressures on business owners, such as the fact that their power supply was cut off for several days and their shops were closed, as well as various social problems, through ANS TV and the print media. He provided Ismayilli-based journalist Elchin Ismayilli with reports of illegal affairs and social problems in various parts of Ismayilli. As a result V.Ibrahimov became a target of local authorities.

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<sup>80</sup> Such travel ban already imposed on former political prisoners Khadija Imsayilova and Intigam Aliyev, as well as human rights lawyers Annagi Hajibayli, Asabali Mustafayev, journalists Shahvalad Chobanoglu and those who cooperated with Meydan TV, Radio Liberty and Azadlig newspaper.

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On the first day of the mass protests (23 January) in Ismayilli, V.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 which was then turned into a hotel. He criticized the local executive structures for their involvement.<sup>81</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 former minister of Labour and Social Protection of Population for these incidents.

Ibrahimov was not directly involved in the protests and confrontation. He was not arrested on the early days following the protests, but one month after the protests due to the intensive efforts of the local executive authorities. Charges were brought against him.

*Shaki Court of Grave Crimes sentenced Ibrahimov to 8 years in jail on 17 March 2014. On 24 September 2014 Shaki Court of Appeal, and on 12 October 2016 Sureme Court upheld the sentence.*

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### ***(2) People arrested for Mingachevir protests in 2015***

On 20 August 2015 Mingachevir resident Bahruz Hajiyev was arrested as a suspect on allegations related to possession of drugs and was taken to Mingachevir City Police Office. After some time spent in the Police office B.Hajiyev died, Police claim that he jumped from the third floor.

Relatives of B.Hajiyev and residents of the area who were not agree with this claim on August 22, after his funeral gathered in front of Police Office for peaceful rally to express their disagreement and to demand detailed investigation of his case. The group of approximately 500 people was completely peaceful until the police did not interfere and trigger the confrontation.

This lead to the dispersing of the peaceful protest and resulted in arrests. Around 20 people were arrested; although most of them received administrative charges some of them faced criminal investigation and arrest as restrictive measure has been applied to them.

After this protest the investigator, the police lieutenant Shahlar Shahlarzade who was interrogating Bahruz Hajiyev was arrested and allegations related to abuse of authority and incitement to suicide were brought against him. Ultimately, the police lieutenant who was imprisoned was released on the president's pardon signed on 17 March 2017.

The video footage taken from the scene of these events clearly shows that the protest was completely peaceful and people were coming to express their disagreement and demands without any violence. The clash started after a big number of police officers brought to the area started to disperse the action sometimes with a use of force and detention of the protesters.

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<sup>81</sup> <http://bit.ly/1mb5UIx>

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This practice is widespread and took place during rallies in different regions of the country. People gather in front of the police or the district executive power office to exercise their right to peaceful protest and voice their slogans, later the police interferes and initiates clashes and people arrested because of these clashes are being charged with organizing civil unrest and resistance to the police based only on evidence provided by the police officers.

During the court hearings, it was not proved that accused people had an intention to organize civil unrest, moreover in some decisions it is indicated that people came to the police office to peacefully manifest their disagreement. Accused persons have faced charges related to the non-obedience and resistance to the police only based on the testimonies provided by the police officers themselves which are recognized as an injured party in the process. The court did not examine other evidences related to these cases. Video footage taken from the safety cameras mounted in the area clearly show no evidence of resistance to the police, moreover there is no evidence showing that accused persons were involved in criminal activity.

Following the incident, a criminal case was opened against Meydan TV internet channel which was preparing reports about the events in Mingachevir while broadcasting alternative news from there and the independent journalists cooperating with the channel were brought to the Chief Prosecutor's Office and were interrogated there. Later it turned out that the criminal case was initiated against this TV channel and several journalists cooperating with it got travel ban.

### **99. Ilgar Aliniyaz oglu KHALILOV**

**Date of arrest:** 22 August 2015

**Charge:** Articles 228.4. (*Illegal purchase, selling or carrying of gas weapon, cold steel, including cold steel throwing weapon*), 233 (*Organization of actions, roughly breaking a social order or as well as active participation in such actions*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 5 years 6 months

**Place of detention:** Medical Facility No.3 for prisoners suffering from tuberculosis

**Summary of the case:** *I.Khalilov was sentenced to 5 years and 6 months of imprisonment with a decision of Mingechevir City Court (Judge Rasim Kazimov) on 20 June 2016. Shaki Court of Appeal (presiding judge Elchin Huseynov) upheld the initial decision on 16 December 2016.*

I.Khalilov has serious health conditions; he underwent a reconstructive surgery and has a schanz pin in his leg. Also, he suffers from tuberculosis and was placed to the medical facility for prisoners with tuberculosis.

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### **100. Dilgam Dilgami oglu MAHMUDZADE**

**Date of arrest:** 22 August 2015

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

**Sentence:** 4 years

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

**Summary of the case:** *D.Mahmudzade was sentenced to 4 years of imprisonment by the decision of the Shaki Court of Grave Crimes (presiding judge Rashid Huseynov) on 17 August 2016; Shaki Court of Appeal (presiding judge Mirahaddin Huseynov) upheld this decision on 30 November 2016.*

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### **101. Ilkin Oruj oglu ABDULLAYEV**

**Date of arrest:** 24 August 2015

**Charge:** Article 288.4 (*attempt on life as well as murder threat, causing of harm to health, destruction or damage of property concerning a judge as well as on his/her close relatives in the relation to the examination of the case materials, committed with application of the violence dangerous to life or health.*) of the Criminal Code

**Sentence:** 6 years

**Place of detention:** Shaki Penitentiary Facility

**Summary of the case:** I.Abdullayev was convicted to 6 years of imprisonment by the decision of the Shaki Grave Crimes Court (presiding judge Rashid Huseynov) dated on 17 August 2016.

I.Abdullayev is married and has three little children.

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### ***(3) People arrested for Siyazan protests in 2016***

Spontaneous protests erupted in several regions of Azerbaijan in January 2016 amid sharp rise of food prices, especially price of flour caused by the second devaluation of currency. One of these protests took place in Siyazan, a town located 100 km from Baku, on 12th and 13th January when local residents gathered in front of the building of the executive power expressing their protests with regards to price hikes and social problems.

The official statement about the event was not any different to previous statement of authorities. The official statement claimed that protestors committed violence, resisted police and posed threat to police's lives and safety. In reality, authorities had gathered special police units and internal troops to the town even before the protest took place, and police forces greatly outnumbered protestors. Video footage from the place of protests shows no sign of violence committed by protestors. Police detained protestors and dispersed participants using force. During the subsequent court trials, the court did not consider any video footage as evidence.

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Several of arrested protestors were later charged with drug possession and illegal firearm possession – charges often used in politically motivated cases.

*The Guba Region Court (judge Elman Ahmadov) sentenced Muslum Azimov to 6 years, Zaur Shakarov to 6 years, Elchin Aliyev to 5 years, Talib Aghamaliyev to 5 years, Kamran Abdullayev to 5 years, Nizami Ganiyev to 5 years, Joshgun Baghishov to 4 years, Fariz Karimov to 4 years, Namig Mastanov to 4 years, Abasat Suleymanov to 4 years and Aydin Safarli to 2 years in prison on 28 March 2017. Sumqayit Appeal Court (chairing judge Nazim Movsumov) on 28 December 2017 changed sentences of Zaur Shakarov, Kamran Abdullayev, Elchin Aliyev and Nizami Ganiyev to 4 years (each), Muslum Azimov to 5 years, Fariz Karimov, Namig Mastanov, Abasat Suleymanov and Joshgun Bagishov to 3 years 6 months (each), Other's sentences were upheld.*

On 19 September 2018, Salyan Region Court (judge Muradagha Gasimov) dismissed the application of Z.Shakarov and J.Baghishov by which they requested the court to release them on the ground that they served more than half of their prison term.

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### **102. Talib Telman oğlu AGHAMALIYEV**



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**Date of arrest:** 13 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 221.1 (*Hooliganism, that is the deliberate actions roughly breaking a social order, expressing obvious disrespect for a society, accompanying with application of violence on citizens or threat of its application, as well as destruction or damage of another's property*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*), 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*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 5 years

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

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**103. Kamran Saftar oglu ABDULLAYEV**



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**Date of arrest:** 14 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 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*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*), 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*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 4 years

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

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**104. Nizami Maharram oglu GANIYEV**



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**Date of arrest:** 14 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 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*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

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**Sentence:** 4 years

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

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**107. Zaur Ilham oglu SHAKAROV**



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**Date of arrest:** 14 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 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*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*), 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*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 4 years

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

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**108. Abasat Oktay oglu SULEYMANOV**

**Date of arrest:** 15 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 3 years 6 months

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

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**109. Muslum Aghamali oglu AZIMOV**



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**Date of arrest:** 16 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 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*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 5 years

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

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**110. Joshgun Muslum oglu BAGHISHOV**



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**Date of arrest:** 16 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 3 years 6 months

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

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**111. Fariz Karam oglu KARIMOV**



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**Date of arrest:** 19 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 3 years 6 months

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

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**112. Namig Azizoghlan oglu MASTANOV**



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**Date of arrest:** 19 January 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 3 years 6 months

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

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### 113. Elchin Sadig oglu ALIYEV



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**Date of arrest:** 10 March 2016

**Charge:** Articles 186.2.2 (*Deliberate destruction or damage of another's property which caused significant damage to a victim, by an arson, explosion or other publicly dangers way or entailed heavy consequences*), 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*), 233 (*Organization by group of persons of actions, roughly breaking a social order or connected to insubordination to legal requirements of the authority representative, or entailed on infringement of normal activity of transport, enterprise, establishment and organization, as well as active participation in such actions*), 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*) and 315.2 (*Application of violence, dangerous to life or health concerning the representative of authority in connection with performance of official duties*) of the Criminal Code

**Sentence:** 4 years

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

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## H. FORMER GOVERNMENT OFFICIALS

### 114. Ali Binnat oglu INSANOV



**Date of arrest:** 20 October 2005

**Charge:**

**First criminal case:** 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, when committed by an official*), 308.1 (*Abuse of official powers, that is, in the exercise of his (or her) official functions, use by an officeholder of his (or her) official powers, in deliberate contradiction to the official interests, with the purpose of obtaining illegal advantage for himself (or herself) or third persons or failure to use these powers when the official interests require to do so, thereby causing substantial damage to the rights and legitimate interests of natural and legal persons, or to the interest of the state or society protected by law*), 311.3.1 (*receipt of a bribe,*

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*committed by a group of persons on a prior arrangement), 311.3.2 (receipt of a bribe, committed repeatedly), 311.3.3 (receipt of a bribe, committed in a large amount) and 313 (Forgery by an official, that is, the entry by an official of information which is known to be false into official documents or information resources, or the making of changes by him or her in such documents or information resources which distort original content, where such acts are committed out of greed or some other personal interest) of the Criminal Code*

**Second criminal case:** Articles 234.1 (*Illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell*), 315.2 (*Use of force against a representative of authority, not posing a threat to his/her life or health*) and 317-2.1 (*preparation, storage, carrying, transportation or use of prohibited items in prison*) of the Criminal Code<sup>82</sup>

### **Sentence:**

**First criminal case:** 11 years

**Second criminal case:** 7 years 5 days

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

**Case summary:** Ali Insanov is considered to be 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 the meetings of the YAP Management Board ahead of the parliamentary elections of November 2005, Insanov voiced severely critical opinions saying that there were criminals in the government, and that the 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, A.Insanov continued voicing his critical opinions, saying that he was almost on the edge of apologizing for the mistakes made and wrong policies, especially to those whom he invited to join the party and those who joined the party because of him. Seven months prior to his arrest, in March 2005, Insanov requested President Aliyev allow him 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, A.Insanov stated that he was being followed. He believed he was even being followed even outside of Baku, and appealed to the President with respect to this matter. In his appeal, he stated that he was being followed by groups within the government.

A.Insanov was arrested 16 days before the 2005 parliamentary elections and initially was charged with plotting a coup (state media also published information of this kind), 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.

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<sup>82</sup> Charges under these articles were brought against the ex-minister while he was in prison.

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*The investigation into the criminal case against A.Insanov was finalized in 2007, but his lawyers were not allowed to study and copy the case materials. Insanov was sentenced to **11 years** in jail by the Baku Court of Grave Crimes on 20 April 2007. The Baku Court of Appeal upheld the ruling on 21 September 2007, and the Supreme Court upheld the ruling on 16 January 2008.*

There were considerable differences between the amount of the allegedly misappropriated funds claimed in the case materials, and the amount stated in the statement released by the Prosecutor General's Office. A.Insanov provided the court with receipts confirming that he paid all taxes, including payment of 85,000 AZN tax in 2005. Charged with illegal privatization, A.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. He filed a motion requesting to question these persons 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 in the case materials.

A.Insanov applied to the European Court of Human Rights (ECtHR) with regard to violation of his rights envisaged in 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 ECtHR found evidence of violation of both rights.<sup>83</sup> The Court ruled that the former minister's right for defense and other procedural rules were violated and that there was a need for additional investigation. The Court ordered the Azerbaijani government to pay a fine of 10,000 EUR. On 15 November 2013, the Supreme Court, based on the ECtHR judgment, sent the case to the Baku Court of Appeal for reconsideration. During the appellate hearing, A.Insanov voiced severely critical opinions against the government, particularly President Ilham Aliyev. During the next trial session, A.Insanov was put in a glass cage, and the judge did not allow him to talk (the judge turned off his microphone while he was voicing critical opinions). On 25 February 2014, the Court of Appeals upheld the 11-year prison sentence. PACE Resolution #1545 of 2007 called for a fair trial of A.Insanov.<sup>84</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.

57 days before the expiration of the sentence of A.Insanov, more charges were brought against him on 23 August 2016 under 3 articles followed by a new investigation. With regard to this case, he was transferred to Baku Pre-trial Detention Facility from prison No. 13. The following facts indicate that the government is not interested in setting him free:

- he was denied access to lawyers, and only met with investigators;
- the charges were brought against him shortly before his release from prison;
- these types of charges are widely used in politically motivated cases.

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<sup>83</sup> <http://bit.ly/1myxEK1>

<sup>84</sup> <http://bit.ly/P93hLW>

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Specifically, after he was imprisoned, he started to criticize the government and openly stated that will fight against the government when he is released from prison.

*As a result of newly initiated criminal case A.Insanov was convicted to 7 years and 5 days in prison on 26 April 2017 by a decision of Garadagh District Court. The Baku Court of Appeal (chaired by judge Aflatun Gasimov) upheld the decision in its hearing on 22 June 2017. Supreme Court (judge Farhad Karimov) upheld the ruling on 16 January 2018.*

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### **115. Rufat Eldar oglu SAFAROV**



**Date of arrest:** 08 September 2016

**Charge:** Article 311.3.2 (*Receipt of a bribe, that is, requesting or receiving by official person directly or indirectly, personally or by intermediary of third persons, of any material and other values, privileges or advantages for himself (or herself) or third persons, for any act (inaction), as well as general patronage or indifference, in the exercise of his (or her) official functions, or acceptance of such a proposal or promise, committed repeatedly*) of the Criminal Code

**Sentence:** 9 years

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

**Case summary:** R.Safarov is the son of Eldar Sabiroglu, one of the founders of ruling New Azerbaijan Party who was a former press service head of the Defence Ministry and a former MP as well. R.Safarov worked as an investigator at the Zardab District Prosecutor's Office. In a protest to gross violations of law, injustice and infringement of human rights, he resigned from his position in December 2015 and sent a relevant letter to the General Prosecutor's Office. He publicized the letter via press as well. R.Safarov stated on social networks that he moved to the opposition and would fight against injustice from now on. Safarov cited the unfair pressures on his father as one of the reasons leading to his resignation as well. Specifically, pressures against Safarov's father started as he strongly criticized Ramiz Mehdiyev, head of the Presidential Administration.

Shortly afterwards, a criminal case was opened against him on 15 January 2016 and the Binagadi District Court sentenced him to pre-trial detention. After his arrest, his office and apartment (rented by him) were searched; his computer and phone were seized. On 22 January, Binagadi District Court changed the remand in custody to house arrest.

R.Safarov made a political statement saying that the opening of a criminal case promptly after his resignation shows that the case is politically motivated. Besides, all persons who are claimed to have given bribes to R.Safarov are officials working in Zardab region. They include the chairman of Alibayli village municipality head

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Elchin Khalilov, Zardab District Electricity Network employee Alamdar Abbasov, Zardab District Veterinary Office employee Mansur Panahov, Zardab District Culture and Tourism Department head Eldaniz Abdullayev. Their complaints on bribes were filed after R.Safarov resigned from his position. In a preliminary trial, R.Safarov's lawyer filed a motion demanding to bring into criminal liability those officials who gave bribes. The motion was not granted. This fact itself shows that the charge was fabricated; otherwise the bribe-givers must also have been brought into liability, as the law defines bribe giving as a crime too.

The testimonies of the witnesses questioned in court hearings were significantly inconsistent. As the witnesses claimed that they saw how Safarov demanded bribes, R.Safarov's lawyer filed another motion for bringing them into liability for committing a crime but not reporting a crime that they were aware of. This motion was dismissed too.

Babek Hajiyeu, one of the witnesses who is named in the case, did not confirm in the trial his testimony given at investigation. He said that he was given a text and he signed it without reading and during the trial it turned out that the testimony is against R.Safarov. The testimony claimed that R.Safarov himself told Babek Hajiyeu that he took a bribe from an employee of the Veterinary Office. Shaig Aliyev, an employee of Veterinary Office and another witness, said that he didn't see R.Safarov taking a bribe, he only heard about it.

The public prosecutor had requested 10 years in jail for R.Safarov. The judge also rejected R.Safarov's and his lawyer's requests for final speech.

*Lankaran Grave Crimes Court (presiding judge Asim Hajiyeu) sentenced R.Safarov to 9 years in jail on 8 September 2016. He was arrested in the courtroom. Shirvan Court of Appeal (presiding judge Alasgar Novruzov) upheld this decision on 22 December 2016. The Supreme Court (chaired by judge Gulzar Rzayeva) upheld the decision without any changes on 11 July 2017.*

R. Safarov was placed in solitary confinement a few times after transferring to prison #9. R. Safarov and his lawyers claim that such punishments were illegal and the aim was to break him.

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### I. POLITICAL HOSTAGES

#### **116. Elnur Rafiq oglu SEYIDOV**



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**Date of arrest:** 27 March 2012

**Charge:** Articles 178.3.1 (*fraud, that is, seizure of another person's property or purchase of his property rights by deceit or abuse of confidence, committed by an*

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*organized gang); 178.3.2 (fraud, committed by inflicting damage in a large size); 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, in the exercise of his (or her) official functions, use by an officeholder of his (or her) official powers, in deliberate contradiction to the official interests, with the purpose of obtaining illegal advantage for himself (or herself) or third persons or failure to use these powers when the official interests require to do so, causing grave consequences or committed with a view to affect the results of elections (referendum)) of the Criminal Code.*

**Sentence:** 7 years 3 months

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

**Case summary:** E.Seyidov is the brother-in-law of Azerbaijan Popular Front Party Chairman Ali Karimli, one of the strong opposition critics of the Azerbaijani government. Until his arrest, E.Seyidov was the Deputy Chief of the Yasamal branch of “Texnikabank.” He was arrested by the Ministry of National Security. Initially, he was charged with fraud. But later a more serious charge was brought. No investigative measures were taken in the first 9 months after his arrest. His pre-trial detention was extended without any grounds, although extension of pre-trial detention for these crimes 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 charges. But the law was grossly violated with respect to Seyidov’s arrest, since he was arrested by the Ministry of National Security (MNS), held in the MNS’ detention facility, and the investigation was carried out by the MNS.

E.Seyidov was arrested 20 days after Texnikabank’s Management Board head Etibar Aliyev. Officially, E.Seyidov was charged with violating the law under the instruction of the bank’s management. Aliyev, as well as other employees of the bank, have since been released, whereas E.Seyidov still remains in prison.

E.Seyidov suffers from multiple sclerosis, for which there are supporting statements of independent and private medical institutions. It is inadmissible to hold someone suffering from this disease 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.<sup>85</sup> 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.<sup>86</sup> But E.Seyidov, who suffers from this disease, is still in held in prison.

*E.Seyidov was sentenced to 7.5 years in prison under 29 October 2013 judgment of the Baku Court of Grave Crimes. Baku Court of Appeal upheld the ruling on 3 April 2014. On 19 January 2015, the Supreme Court dropped two of the charges thereby reducing the sentence to 7 years and 3 months.*

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<sup>85</sup> <https://bit.ly/2wz4Z19>

<sup>86</sup> *ibid.* Article 9.5

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The testimonies given by witnesses during the trial were inconsistent, and some of them stated that Seyidov was not guilty. But the court did not take these into consideration.

An application has been sent to the European Court of Human Rights with respect to E.Seyidov's initial arrest and his suffering from a severe disease. The US State Department's Human Rights Report for 2013 lists E.Seyidov's case as an example of pressure on the families of opposition figures.<sup>87</sup>

On 2 August 2016, Garadagh District Court refused to grant the petition of E.Seyidov for early release for his disease. Baku Court of Appeal upheld the decision on September 9, 2016.

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### **117. Mubariz Aslan oglu ABDULLAYEV**



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**Date of arrest:** 21 August 2013

**Charge:** Article 182.3.2 (*extortion, committed with a view to obtain a large amount of property*) of the Criminal Code

**Place of detention:** Shaki Penitentiary Facility

**Sentence:** 8 years

**Case summary:** M.Abdullayev is a nephew of Elshad Abdullayev, former rector of Azerbaijan International University, which has been shut down. As the license of his university was revoked in 2010, his relations with the government deteriorated making him leave the country for France as an émigré. In September 2012, E.Abdullayev released a scandalous video which promptly occupied news headlines. The video portrays a negotiation between E.Abdullayev and a former MP from the ruling party at the time, Gular Ahmadova, as well as Sevinj Babayeva, a friend of G.Ahmadova who was introduced as an intermediary. In the video, the MP requests 1 million AZN from E.Abdullayev to get him elected as a parliamentarian, saying that this money would be delivered to R.Mehdiyev, head of the Presidential Administration. The release of this video was followed by mysterious death of S.Babayeva in Turkey and arrest of G.Ahmadova later in February 2013. Ahmadova was released by Baku Appellate Court a while later. Afterwards E.Abdullayev released some more scandalous videos, thereby leading to further deterioration of relations between him and the government.

E.Abdullayev's brother Mahir Abdullayev, an employee of the Ministry of National Security, went missing in 2003. E.Abdullayev publicly condemned the Azerbaijani government, in particular the law-enforcement agencies.

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<sup>87</sup> <http://1.usa.gov/18BOn4u>

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The charge brought against M.Abdullayev is also linked with his missing uncle Mahir Abdullayev. According to the accusation, a while after Mahir Abdullayev went missing, M.Abdullayev called his uncle E.Abdullayev on behalf of another person saying that he had his brother and demanded 50,000 AZN for return. He demanded to bring the money to Zagatala.

However, E.Abdullayev did not go to Zagatala and gave no money to anyone. Case file highlights that this was prevented by officers of Kurdamir District Police Department without explaining how it happened.

M.Abdullayev was arrested in 2003 by the officers of Kurdamir District Police Department, where he was held for 3 days and a criminal case was opened against him. However, 3 days later he was set free. He was again summoned to the investigation body 10 years later against the background of worsening relations between E.Abdullayev and the authorities. Within the past 10 years, M.Abdullayev had not been questioned, nor had any investigative measure been taken. In 2013, neighbourhood police inspector told Mubariz Abdullayev to go to the General Prosecutor's Office, where he met with Elmar Jamalov. He was told that the documents would be sent to the court for the investigation of the criminal case on him and that his testimony was needed again. However, without questioning him, they made him sign a blank paper before they set him free. M.Abdullayev was arrested in the courtroom when the sentence was issued.

*On 21 August 2013, Mubariz Abdullayev was sentenced to **10 years** in jail by Lankaran Grave Crimes Court. Shirvan Court of Appeal's judge Saleh Suleymanov upheld the judgment on 3 June 2014. Supreme Court also did not grant the appeal of Abdullayev on 5 March 2015. On 11 July 2018, Sheki Court of Appeal reduced the sentence to **8 years** in connection with amendments to the Criminal Code.*

The following facts show that M.Abdullayev was arrested because of his uncle E.Abdullayev's critical position and his deteriorated relations with the authorities:

- he was arrested on a criminal case that had been opened 10 years before;
- he was made sign a blank paper without questioning;
- the court based its judgment only on the witness testimonies given by former employees of Kurdamir District Police Department;
- failure to investigate other evidence.

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### **118. Murad Gulahmad oglu ADILOV**



**Date of arrest:** 11 August 2014

**Charge:** Article 234.4.3 (*illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors – in a large amount*) of Criminal Code

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**Sentence:** 6 months

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

**Case summary:** M.Adilov is a brother of Natig Adilov, APFP press secretary and one of the presenters of *Azərbaycan Saati (Azerbaijan hour)*. N.Adilov has left Azerbaijan for France because of political persecution. M.Adilov is one of the persons arrested in the course of the campaign against *Azərbaycan Saati*.

Specifically, close relatives of Ganimat Zayidov, the head of this program, have also been arrested and received severe punishments under the same charges that were brought against M.Adilov. Close relatives of employees of Meydan TV, another online television station based abroad, have also been arrested under similar charges (they were set free a while later).

M.Adilov reported that he was subjected to torture and inhumane treatment at the police station at the time of arrest in Sabirabad region and later in the police station in Baku where he was held. His reports and official appeals have not been properly investigated. Although the bruises observed on his body were recorded during his transfer to Baku Pre-trial Detention Facility, this fact was not investigated either. Shortly before the arrest, Lider TV, a pro-governmental TV station known for airing footage and programs in smear campaigns against opposition figures, again aired reports against journalist N.Adilov and his family.

The court proceedings show that the investigation was biased; the evidence used only included the testimonies of police officers and search witnesses. Only one room of the large house owned by M.Adilov's family was searched before it was claimed that drugs were found in that specific room. If the operation was indeed aimed at finding drugs, it must have covered the whole apartment.

*On 14 May 2015, Lankaran Grave Crimes Court sentenced Murad Adilov to 6 years in jail. Shirvan Court of Appeal upheld the judgment on 27 October 2015, and the Supreme Court confirmed it on 22 April 2016.*

On 5 September 2018, Narimanov District Court (judge Vusal Gurbanov) heard Murad Adilov's early release request in connection with serving more than 2/3 of the sentence and did not satisfy the request on the ground that authorities of Prison No.10 didn't give positive opinion about him. Written comment of the Prison No.10 read M.Adilov had been reprimanded due to his smoking in a non-permitted area.

M.Adilov started a hunger strike on 7 September 2018. According to his relatives the main reason for hunger-strike was to protest against the decision issued against him and attract attention of the public and international community to unbearable situation of political prisoners. He was incarcerated after starting a hunger strike and discontinued it on 11 September 2018.

M.Adilov is married. He has 3 underage children. Amnesty International recognized M.Adilov as a prisoner of conscience.<sup>88</sup>

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<sup>88</sup> <http://bit.ly/29JyV26>

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### 119. Emin Shahlar oğlu SAGIYEV



© Meydan TV

**Date of arrest:** 17 November 2017

**Charge:** Article 234.4.3 (Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount) of the Criminal Code

**Sentence:** 7 years

**Place of Detention:** Baku Pre-Trial Detention Center

**Case Summary:** Emin Sagiyevev is a sibling-in-law of Turkel Alisoy (Azerturk), reporter of Turan TV, the internet and satellite TV channel in exile.

**Background of persecution of Turan TV reporters:** Turan TV is established by Ganimat Zahidov, editor-in-chief of Azadliq newspaper previously as the TV program “Azerbaijani Hour”. The program was initially directed from Baku and Istanbul. Both Azadliq newspaper and Azerbaijani Hour were subject to continuous harassment by the government of Azerbaijan because of the critical content of the program. In 2013 the TV program Azerbaijan Hour is jammed and kicked out of the satellite channels. Same year Reporter of Azerbaijani Hour and Azadliq newspaper Khalid Garayev and Seymur Haziyevev were attacked by transport police. In 2014 the co-anchor of the program Azerbaijani Hour Natig Adilov fled the country over arrest threats. His brother, Murad Adilov is arrested with trumped-up drug charges (sentenced to 6 years in prison in 2015 – see Murad Adilov’s case in this document). In 2014, Seymur Hazi, main anchor of the “Azerbaijani Hour was arrested with bogus Hooliganism charge and sentenced to five years in prison (see his case in this document). Both Murad Adilov and Seymur Hazi are listed as Prisoners of Conscious by Amnesty International. In 2014 relatives of Ganimat Zayidov – editor-in-chief of Azadliq newspaper and co-founder of Azerbaijani hour were arrested (their cases were listed in previous editions of the Political Prisoners List till their release after one year eight months of arrest). In 2014, Khalid Garayev, reporter of Azadliq newspaper and Azerbaijani Hour TV program sentenced to 25 days of administrative arrest with “resisting to police” charge. In 2013-2017 the newspaper’s website and Azerbaijani Hour’s website were subject to constant digital attacks and was blocked by government’s decision in 2017. In May 2017, Azerbaijani court officially blocked the website.

Turkel Alisoy, political activist who lives in exile in Netherlands started working with “Azerbaijani Hour” TV program since April 8, 2016. In August 2016, when “Azerbaijani Hour” rebranded to Turan Tv, Turkel Alisoy started presenting News program in the channel. Persecution of his relatives in Azerbaijan is likely a result of his activity in the channel. The assumption is based on the fact that police has

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frequently raided house of his siblings in Jalilabad and summoned them to police solely for asking questions regarding Turkel Alisoy and his immediate family.

***Arrest of Emin Sagiyeu:*** Sagiyeu was arrested on 17 November 2017 in his house by officers of the Anti-Organized Crime Unite of the Ministry of Interior (Bandotdel). After 4 months pre-trial detention remand Narimanov District Court has prolonged pre-trial detention by two more months on 15 March 2018. In the process in Baku Grave Crimes Court prosecutor demanded that Sagiyeu is sentenced to 8 years in prison. Sagiyeu has applied to the government with clemency letter, writing that he has never shared views of Turkel Alisoy and never supported him in his anti-governmental activity. He also wrote: “If I am punished solely for being a sibling-in-law, then I have to divorce my wife in order to eliminate this third degree relationship. If official kinship is the thing that bothers you, I can end this official kinship today. But I have to minor kids and I cannot reject them. Is this a justice, when innocent people, their family members are falling victim because of their third degree kinship?”

*Baku Grave Crimes Court (chaired by Eldar Mikayilov) sentenced Sagiyeu to 7 years in prison on 03 October 2018.*

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### **J. 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 logistics coordinator. The Canadian government has issued him permanent residence due to his area of specialization. He is married and has two children.

From 13 January to 18 January 2007 approximately 30 people were arrested in the so-called “Said Dadashbayli case” and charged with creating a radical religious group and committing espionage for Iran. A while later some were released but only after testifying against the eleven defendants that were held at the Ministry of National Security’s detention facility.

There were serious legal violations from the initial round of arrests. Ministry of National Security officers entered the apartments of the accused by force, without presenting search permits. Right in front of the parents and relatives of those being arrested and in spite of their objections, Ministry of National Security officers planted guns and other needed “material evidence” in the apartments in order to justify the arrests. These are obviously in serious violation of Azerbaijan’s Code of Criminal Procedure. Detainees were also denied access to their lawyers in initial days after their arrest.

The defendants were held in single cells at the detention facility of the Ministry of National Security from 13 January 2007 to 11 December 2007. They were periodically beaten; deprived of sleep, food, and drinking water; and given psychotropic substances. Authorities threatened to torture their relatives should the accused refuse to confess.

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One of the imprisoned in this case, Emin Mammadov, passed away due to severe torture in March 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 E.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 E.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 Article 200 of the Code of Criminal Procedure, 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 plead guilty 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 a terrorist organization had not even known each other prior to imprisonment. Prosecutors failed to provide sufficient evidence for any of charges – the trial ended according to the will of the prosecutor.

*On December 10, 2007, Baku Court of Grave Crimes (presiding judge Anvar Seyidov), sentenced Said Dadashbayli to 14 years, Rashad Aliyev to 14 years, Jeyhun Aliyev to 14 years, Farid Agayev to 13 years, Samir Gojayev to 13 years, Baybala Guliyev to 13 years, Jahangir Karimov to 13 years, Rasim Karimov to 13 years, Emil Mohbalyev to 12 years, Mikayil Idrisov to 12 years in prison. Baku Court of Appeal upheld the verdict on 25 February 2008, and the Supreme Court followed the lead in the autumn of 2008. After the Law on amendments to the Criminal Code dated 06 May 2016, Nizami District Court dropped charge of Article 204.3.2 of the Criminal Code against S.Dadashbayli. His prison term was, therefore, reduced to 13 years 6 months.*

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### **120. Rashad Ismayil oglu ALIYEV**



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**Date of arrest:** 13 January 2007

**Charge:** Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 204.3.1 (*Manufacturing or selling of counterfeit money or securities, by an organized gang*), 204.3.2 (*Manufacturing or selling of counterfeit money or securities, in a large amount*), 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*) and 278 (*Actions aimed at usurping state power or forcible*

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*retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state) of the Criminal Code*

**Sentence:** 13 years 6 months

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

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**121. Farid Nadir oglu AGHAYEV**



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**Date of arrest:** 15 January 2007

**Charge:** Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code

**Sentence:** 13 years

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

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**122. Said Alakbar oglu DADASHBAYLI**



© Presented by family

**Date of arrest:** 15 January 2007

**Charge:** Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 204.3.1 (*Manufacturing or selling of counterfeit money or securities, by an organized gang*), 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 serious or especially serious crimes, as well as 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 serious or especially serious crimes*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation*

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*and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives), 228.4 (illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting), 234.1 (illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell), 274 (High treason, 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 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)) and 278 (Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state) of the Criminal Code*

**Sentence:** 13 years 6 months

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

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**123. Jeyhun Saleh oglu ALIYEV**



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**Date of arrest:** 15 January 2007

**Charge:** *Articles 28.2 (preparation of serious and especially serious crimes), 180.3.1 (robbery, by an organized gang), 218.2 (Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs), 228.1 (Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives), 274 (High treason, 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 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)) and 278 (Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state) of the Criminal Code*

**Sentence:** 14 years

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

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**124. Jahangir Ramiz oglu KARIMOV**



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**Date of arrest:** 15 January 2007

**Charge:** Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 274 (*High treason, 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 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*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code

**Sentence:** 13 years

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

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**125. Samir Edik oglu GOJAYEV**



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**Date of arrest:** 17 January 2007

**Charge:** Articles 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code

**Sentence:** 13 years

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

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**126. Rasim Rafiq oglu KARIMOV**



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**Date of arrest:** 20 January 2007

**Charge:** Articles 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code

**Sentence:** 13 years

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

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**127. Baybala Yahya oglu GULIYEV**



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**Date of arrest:** 13 March 2007

**Charge:** Articles 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 228.2.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, by a group of persons on a prior arrangement*), 228.4 (*illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code

**Sentence:** 13 years

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

## **CONCLUSION/RECOMMENDATIONS**

We are deeply concerned over the criminal prosecution with political motives leading to unlawful detention and imprisonment of our citizens without legal grounds.

The analysis of cases shows that anyone who criticizes government policy or high ranking officials of the government, publishes investigative articles or articles of critical nature, takes an active part in social media, fights for freedoms of speech, press, assembly, association, conscience and so on, or takes an active part, in general, in the socio-political processes without sharing the position of the authorities, can be arrested under fabricated charges.

Politically motivated judgments on arrests and imprisonments do not only inflict pecuniary and non-pecuniary damage on citizens, but also damage the image of the state of Azerbaijan. This is in violation of the obligations Azerbaijan has voluntarily taken before international organizations, in particular the Council of Europe. One of the obligations<sup>89</sup> undertaken by Azerbaijan before the Council of Europe in 2001 was the release of persons regarded as political prisoners. This problem still remains unsolved; on the contrary, the number of political prisoners has grown after Azerbaijan joined the Council of Europe.

We propose the following as a solution to the current situation:

### **To the Government of Azerbaijan:**

- Take immediate measures for the release of political prisoners included in the list;
- Ensure the safety of political prisoners in pre-trial detention facilities and prisons;
- Start a dialogue with developers and supporters of the list for the discussion and solution of the problem.

### **To the international community:**

- Call on the Government of Azerbaijan to fulfill obligations undertaken before international organizations and to release political prisoners;
- Keep attention on the problem of political prisoners during visits to Baku or visits of the officials of the Government of Azerbaijan;
- Impose sanctions on the authorities of Azerbaijan unless serious and reasonable measures are taken for the solution of the problem of political prisoners in the near future;

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<sup>89</sup> <http://bit.ly/2cNAbOo>

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### **APPENDIX**

#### **Prisoners whose cases are under monitoring**

The Working Group on a Unified List of Political Prisoners is currently studying attentively the cases of 54 prisoners under monitoring. Once a conclusion is reached on whether or not they are political prisoners, it will be publicized in a press release:

51 cases under monitoring are the cases of persons arrested with crackdown following assassination of Ganja city governor and two policemen in July 2018. The Working Group has substantial suspicion that the law enforcement bodies have followed political motives rather than investigating these crimes and violated number of procedures and fundamental human rights during the arrests and investigative actions:

- Internal Security Service, which conducted an investigation and other law enforcement groups have violated rights of presumption of innocence, arrested people had been kept incommunicado for 9 days, their family members were not informed of their whereabouts;

- the Government alleged that the assassination of Ganja governor on 3 July 2018 and killing of two police officers during public gathering in the central square of Ganja on 10 July 2018 were conducted by the organized criminal group, however, no evidence of this allegation had been provided in public statements; Although the government had alleged that the public gathering was an organized riot, the video footage in media does not prove that allegation, and the government does not provide any other proof;

- law enforcement used excessive force during the operations. Six civilians were killed during the operations, without clear evidence of armed resistance to the state forces;

- although the court hearings on the cases are officially public, courts require accreditation, procedure of which is not established by any law. Those who manage to attend the court hearings, are not allowed to take notes even by pen, journalists, identified by court officers have been demanded to leave the courtroom.

List of the prisoners under monitoring:

1. Renad Mahir oglu ALIYEV
2. Ikram Rafiq oglu RAHIMOV
3. Firudin Etibar oglu ZEYNALOV
4. Kamal Gudrat oglu GULIYEV,
5. Raul Fazil oglu SULEYMANOV,
6. Kamal Gabil oglu MAMMADTAGHIYEV,
7. Rauf Arif oglu GURBANZADE,
8. Samir Ramiz oglu IBRAHIMOV,
9. Mireshgin Nazim oglu SEYIDOV,
10. Ali Huseyn oglu RZAYEV,
11. Khayal Khalig oglu GAFAROV,
12. Gadir Fazil oglu HUSEYNOV,

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13. Vugar Rauf oğlu ALLAHVERDIYEV,
14. Ulvi Saladdin oğlu HASANOV
15. Tural Arzu oğlu BAYRAMOV
16. Kamal Nasir oğlu MAHARRAMOV
17. Maarif Camshid oğlu HAJIYEV
18. Toghrul Mahir oğlu VERDIYEV
19. Orkhan Zakir oğlu YAGNALIYEV
20. Seymur Ceyhun oğlu ALIYEV
21. Nizami Yusif oğlu AKBAROV
22. Vagif Arif oğlu ASHRAFOV
23. Shahlar Eldar oğlu RZAYEV
24. Ruslan Rizvan oğlu HASANOV
25. Araz Fizuli oğlu HASANOV
26. Ganbar Jabbar oğlu GARAZADE
27. Elvin Bakhtiyar oğlu ALIYEV
28. Zabil Gabil oğlu JUMSHUDOV
29. Alim Vahid oğlu YUSIFOV
30. Aydın Arif oğlu RUSTAMOV
31. Yavar Azer oğlu ISMAYILZADE
32. Isa Yasin oğlu MAHARRAMOV
33. Jabir Mardan oğlu AZIZOV
34. Gulmirza Badal oğlu NURZADE
35. Riya Badal oğlu NURIZADE
36. Fikrat Huseyn oğlu MIRZALIYEV
37. Feyruz Tofiq oğlu HAJIYEV
38. Sabuhi Sardar oğlu RAJABOV
39. Elman Telman oğlu GULIYEV
40. Sabir Mardan oğlu AZIZOV
41. Elman İlham oğlu MAMMADOV
42. Elvin Novruz oğlu NAZAROV
43. Elvin Nariman oğlu ALLAHVERDIYEV
44. Nemat Hikmat oğlu HEYDARLI
45. Renat Miri oğlu MAMMADOV
46. Vugar Mansur oğlu KHUDIYEV
47. Orkhan Nariman oğlu HUSEYNOV
48. Sakhavət Vagif oğlu AHMADOV
49. Rasim Rəfig oğlu HEYDAROV
50. Mirməjid Akif oğlu ABBASOV
51. Ariz Mubəriz oğlu FEYZİ-ZADE
52. Elmir Elxan oğlu MAMMADOV
53. Nofal Afləddin oğlu MAMMADOV
54. Eltun Jeyhun oğlu ALIYEV

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### **ACKNOWLEDGEMENTS**

We would like to express our deep gratitude to lawyers for their valuable contributions to the preparation of the report by providing necessary data and legal documents related to cases.<sup>90</sup>

We are also grateful to cartoonist Gunduz Agayev, who lives abroad as a political émigré, for making a cartoon for the cover page of this report.

Finally, we wish to thank to all translators of this report (they asked not to be named for safety purposes), especially Fuad Ahmadli, who is a political prisoner at the moment.

#### ***Members of the Working Group:***

The Working Group on a Unified List of Political Prisoners is composed of the following persons:

Akif Gurbanov  
Anar Mammadli  
Gunay Ismayilova  
Intigam Aliyev (*coordinator*)  
Khadija Ismayil (*coordinator*)  
Khalid Aghaliyev  
Rovshan Hajibayli  
Samad Rahimli  
Samir Kazimli  
Sevinj Vagifgizi

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<sup>90</sup> Since the end of 2017 due to intensified pressures and persecutions over the lawyers a number of them cooperating with the Working Group disbarred from the Collegium thus their activities were stopped forcefully. On 22 November 2017, Presidium of Bar Association submitted a file to stop lawyer activities of Yalchin Imanov, who actively was cooperating with the Working Group. He had to stop his activities before the court heard the case. By decisions of the same institution activities of Fakhraddin Mehdiyev, Asabali Mustafayev and Nemat Kerimli were stopped respectively on 22 January 2018 and 23 April 2018.