

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

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Covering the period up to 25 November 2019

Contents

INTRODUCTION	3
THE DEFINITION OF POLITICAL PRISONERS	4
POLITICAL PRISONERS	5
A. JOURNALISTS AND BLOGGERS	5
B. POLITICAL AND SOCIAL ACTIVISTS	13
A case of financing of the opposition party	19
C. RELIGIOUS ACTIVISTS	24
(1) Members of Muslim Unity Movement and people arrested in Nardaran Settlement	24
(2) Chairman of Islamic Party of Azerbaijan and persons arrested together with him	51
(3) Other religious activists	56
D. LIFETIME PRISONERS	59
E. POLITICAL HOSTAGES	66
F. SAID DADASHBAYLI AND THOSE ARRESTED WITH HIM	67
G. GANJA CASE	71
CONCLUSION/RECOMMENDATIONS	90
APPENDIX 1	91
APPENDIX 2	92
ACKNOWLEDGEMENTS	98

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Covering the period up to 25 November 2019

INTRODUCTION

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**¹, which brings together human rights defenders, lawyers, journalists and experts. The list includes cases of people arrested or remaining in prison by 25 November 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 8 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.

¹ 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.

THE DEFINITION OF POLITICAL PRISONERS

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 2012.²

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.³

² <http://bit.ly/1piq992>

³ <http://bit.ly/18KQFUz>

POLITICAL PRISONERS

A. JOURNALISTS AND BLOGGERS

1. Araz Faig oglu GULIYEV



© 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

Case summary: Araz Guliyev was the editor-in-chief of 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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.⁴

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 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.

2. Elchin Samad oğlu ISMAYILLI



© Radio Liberty

Date of arrest: 17 February 2017

Sentence: 7 years

⁴ The case has been taken before the European Court and was already communicated pending judgment. <http://hudoc.echr.coe.int/eng?i=001-186328>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Place of detention: Prison No. 17

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*) of Criminal Code

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. 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](http://www.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.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Shaki Grave Crimes Court (chairing judge Rashid Huseynov) sentenced Elchin Ismayilli on 18 September 2017 to 9 years in prison by finding him guilty in all charges. Sheki Court of Appeal 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

3. Afghan Sabir oglu MUKHTARLI



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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 206.2⁵ 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.

⁵ 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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.⁶ Amnesty International immediately recognised him as a "prisoner of conscience"⁷, 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 (chairing judge Rafail Aliyev) upheld this decision on 24 april 2018 which Supreme Court (chairing judge Farhad Karimov) confirmed on 18 September 2018.⁸*

⁶ <http://bit.ly/2vSsbpV>

⁷ <http://bit.ly/2qA3HOS>

⁸ The case has been taken before the European Court and has already been communicated pending judgment. <http://hudoc.echr.coe.int/eng?i=001-184176>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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, 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.

4. Ziya Alirza oglu ASADLI



© Facebook profile

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

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

Sentence: 3 years

Place of detention: Prison No. 5

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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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, 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.

5. Polad Israil oglu ASLANOV



Date of arrest: 12 June 2019

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

Place of detention: State Security Service

Case description: P.Aslanov is a founder and editor-in-chief of the “xeberman.com” (<http://xeberman.com/>) web site. On 13 June 2019, he was apprehended by the State Security Service. According to the statement made by the State Security Service, editor-in-chief was apprehended as a suspect in committing high treason related crime. Criminal case was opened against the journalist under Article 274 (high treason) of the Penal Code. According to the materials of the criminal case, the journalist published and distributed the articles that compromised the activities of the Azerbaijani state institutions.

The journalist received 4 months pre-trial detention on 14 June 2019. If the accusations are confirmed, he will receive between 10 and 15 years of deprivation of liberty or life sentence. On 05 October 2019, Sabail District Court extended the journalist’s pre-trial detention 4 months upon the request of the State Security Service.

P.Aslanov had health problems from birth. Due to these health problems, he was exempt from service in the Army. He from time to time wrote critical articles about State Security Service and uploaded them on the web portal he oversaw (in these articles, he mainly talked about involvement of SSS officials into corruption). Due to his critical articles he was conscripted to the Army when he was 29 (in Azerbaijan males are conscripted when they reach 18). After he served 1 year military service he continued his journalistic activities. He published the articles criticizing the work of state bodies.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Based on the working materials obtained by the Working Group (WG) on the criminal case against P.Aslanov, the plot of the accusations consist of the following (the WG at the moment cannot identify the factual reasons of the accusation, this is why it is not possible to comment at this stage):

- Hold a meeting with the employee of Iran's security body "SEPAH" and "obtain an agreement" regarding the steps below,
- Create links with the Iranian Cultural Center in Baku, promote religious state ideas on the websites he was managing,
- Publish political articles in the directions identified by "SEPAH". By doing this "form radical religious contingent",
- Distribute "provocative" information, publish newspapers and magazines aiming at casting a shadow on the law enforcement and damage reputation of the law enforcement and other state institutions.
- Collect information regarding the activities of the Israel Embassy and MPs of the Parliament of Azerbaijan, follow the socio-political processes and deliver this information regularly.

As mentioned, the WG is not able to check if there is a factual basis for these accusations. This is the reason why the WG does not comment on this issue. At the same time, the WG considers that identification of the factual basis of the accusations in question does not matter when it comes to the evaluation of P. Aslanov's case. This is because, the plot of the accusation by the State Security Service and the actions attributed to him, even if he is financed by the Iranian security services, essentially is the civil society engagement. It relates to the freedom of speech and association provided by the Constitution of the Republic of Azerbaijan (Articles 47,50 and 58) and European Convention on Human Rights (Articles 10 and 11). So, even if we assume that the actions attributed to P. Aslanov took place, these activities come from his journalistic activity and on top of it, is his freedom of speech as a human being.

Let's consider one by one the plot of the accusations. Creating links with the Iranian Cultural Center in Baku is purely related to the exercise of the freedom of association. Any person can contact on his own private institutions operating in Baku, can become a member of this institution and can cooperate with this institution. According to the available information Iranian Cultural Center in Baku is not involved in any violent activities. In addition, the propaganda of the creation of religious state, provided that this propaganda is not accompanied by force, violence and threats, is attributed to the freedom of speech. Every person can promote the existence of various socio-political structures. Damaging reputation of the law enforcement and other state institutions again related to the freedom of speech realm. Gathering people in "radical religious contingent" is one of the acceptable forms of the civil society. On top of it, following Israel Embassy, MPs and socio-political situation and delivering information about this can not be imagined outside the activities of the civil society.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

As a result, no matter whether the actions attributed to P. Aslanov took place or not, they are not violent actions and not a call to violence. These actions are one of the acceptable forms of the civil society. From this perspective, accusing a person for “committing” these acts, his apprehension in this context, his detention and punishment means that he is punished and deprived of liberty for exercising his freedom of speech.

And this is in line with the political prisoners’ criteria of the Council of Europe. Thus, P. Aslanov has been accused for exercising freedom of speech and association and has been deprived of his liberty by means of arrest as a restrictive measure. For this reason, in WG’s opinion, P. Aslanov is a political prisoner.

B. POLITICAL AND SOCIAL ACTIVISTS

6. 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 No. 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 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.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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.*⁹

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 (chairing judge Sahibkhan Mirzayev) upheld this decision on 4 October 2018.

On 1 May 2019 Surakhani District Court, in its hearing conducted in the Penitentiary Facility number 16, denied F.Ahmedli his right to early release upon completion of more than two thirds of his prison term. The court decided that Ahmadli cannot be granted early release option because he had not accepted his guilt. Baku Court of Appeal (chairing judge Habil Mammadov) upheld the decision on 5 July, 2019.

7. Orkhan Rafiq oglu BAKHISHLI



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Date of arrest: 7 May 2018

Charge: Article 234.1 (*Illegal purchase or storage without a purpose of selling of narcotics or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption*) of the Criminal Code

Sentence: 3 years

Place of detention: Prison No. 16

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

⁹ The case has been taken before the European Court and has already been communicated pending judgment. <http://hudoc.echr.coe.int/eng?i=001-198319>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 is Seymour 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 Seymour Hazi, Fuad Ahmadli, Bayram, Giyas... We have to be proud of this fact."¹⁰

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.¹¹ 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.

¹⁰ <https://bit.ly/2O1J5uy>

¹¹ <https://bit.ly/2O1J5uy>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

The trial started in Baku Grave Crimes Court (chairing 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 (chairing judge Hasan Ahmadov) upheld the decision on 10 December 2018. On 4 June 2019 Supreme Court changed the sentence of Bakhishli, by qualifying incriminated crime under article 234.1 (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 (Illegal purchase or storage without a purpose of selling of narcotics or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption) and the prison term was reduced to and his prison term was reduced to 3 years.

8. Mirfeyzulla Ahmad oglu SEYIDOV



© Facebook profile

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 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:

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

"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.¹²

9. Pasha Balamirza oglu UMUDOV



Date of arrest: 15 October 2019

Charge: Article 234.2 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances*) of the Criminal Code

Sentence: Still in Pretrial detention

Place of detention: Baku Pretrial Detention Facility

Case Summary: Pasha Umudov is the head of the Nizami district branch of Popular Front Party of Azerbaijan and he also is a driver of the party's chairman – Ali Kerimli. He disappeared on October 15, 2019 and his family and friends could not learn his whereabouts. The arrest was made on the eve of the protest action organized

¹² <https://bit.ly/2IGzxmp>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

by National Council of the Democratic Forces, when several other party members were subject to abduction by police with following sentencing to administrative arrests. Party activists called the emergency number of police to report disappearance or find out if he was arrested, but they were not provided with information about Umudov. Only three days later Umudov's lawyer could learn that he was kept in Anti-Organized Crime Unit of the Interior Ministry. There he was informed that Umudov is detained as a suspect in a crime and charged with article 234.2 of the Criminal Code. 3 months remand in detention measure had been chosen about him. The lawyer was denied access to his client. On October 21 the lawyer has also applied to Baku Pre-Trial Detention Facility to meet his client, and was informed that Umudov is not yet delivered to the facility, despite the requirement of the law. His requests to Anti-Organized Crime Unit, Ombudsperson and 102 call service did not help either.

On 24 October 2019 Umudov's testimony in Anti-Organized Unit had been disseminated in social media. In his testimony, he said that he is the member of Popular Front Party and regular user of marijuana. He said he was detained on 15 October and 3 packs of marijuana were discovered in his pocket when he was searched in presence of a lawyer.¹³

Umudov's lawyer could see him in person only on October 25, 2019 when complaint from remand in detention decision was heard in the Baku Court of Appeal (chairing judge Hasan Ahmadov). In the hearing Umudov said he was not guilty, the testimony was forcibly taken under threats and psychological pressure. The court denied a request to investigate his allegations of psychological pressure and actions of police forcing to fake testimony. The remand in detention decision was also upheld.

The Working Group considers Pasha Umudov is a political prisoner for following reasons:

Mass arrests of political activists on the eve of the protest demonstrations is a usual practice in Azerbaijan. Umudov is one of 32 Popular Front activists who had been arrested before the October 19 protest. While others had been subject to administrative arrest, Umudov faces criminal charges.

Article 234 is frequently used against political activists in Azerbaijan. Since 2006 at least 44 persons, recognized by human rights groups as political prisoners had faced trumped up charges under this article of the Criminal Code.

Umudov's video testimony, where he speaks about his political affiliation also shows political motivation behind this arrest.

Arrests of bodyguards and drivers of opposition leaders in the eve of protests is also a usual practice. Drivers of Popular Front Party chairman had been arrested before the most successful rallies held by opposition in April 2011, September 2016 and April 2019. Umudov was one of four activists arrested before 6 April 2019 rally and sentenced to 15 days of administrative arrest with a charge of resistance to police (Article 535 of Code of Administrative Offences is usual charge against politically motivated administrative charges).¹⁴

¹³ <https://bit.ly/2pmUUoc>

¹⁴ <https://bit.ly/33zpV7n>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Umudov's arrest was held with numerous procedural violations including:

- the activist was taken to Anti-Organized Crime Unit and allegedly was searched there in presence of three witnesses and state-designated lawyer. The search was not conducted immediately in the detention place, as required by laws. This violation had neither been explained by police, nor ordered to be investigated by the court.

- Umudov's family and party members could not learn his whereabouts for three days after his arrest. Even after his whereabouts was identified he was denied access to his own lawyer. So he was deprived of sufficient access to defence for 10 days after detention.

- Although he confessed being marijuana user in his October 24 testimony, he said in the Baku Court of Appeal that he is not either user or seller of any narcotics and was forced to testify under threats and psychological threats. His incommunicado detention proves credibility of his allegations about psychological pressure.

Although these allegations had been voiced by his lawyer in the Baku Court of Appeal, the judge refused to investigate them and preferred to believe the statements of the police.

All abovementioned considered, WG members unanimously decided that Umudov's arrest was politically motivated.

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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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.

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 propaganda 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 Entrepreneurship", 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 Babek 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 arrested 16-18 days before.

The core elements of criminal case that resulted with arrest of five people are illegal entrepreneurship and legalizing criminally obtained funds. According to lawyers and legal experts cooperating with the Working Group, there are no elements of illegal entrepreneurship 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."¹⁵

¹⁵ <https://bit.ly/2Oz5vnN>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

S. Rustamov and V. Rustamli were kept incommunicado until 25 May, i.e. during 15-17 days.¹⁶ 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 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.¹⁷

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.¹⁸ 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 with regard to pleading guilty. Lawyer who appointed by state did not even visit

¹⁶ <https://bit.ly/2v2de5w>

¹⁷ <https://bit.ly/2AqQuRU>

¹⁸ <https://bit.ly/2KfzKg2>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

me. My right to have communication with attorney hired by my brother and relatives was not guaranteed. My human rights were violated. Please help".¹⁹

V. Rustamli was transferred to Baku Pre-Trial Detention facility on 7 June 2018 – only after 26 days of detention. 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 (chairing 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.²⁰

*Baku Grave Crimes Court (chaired by Eldar Ismayilov) on 27 February 2019 sentenced Saleh Rustamov to **7 years, 3 months**, Agil Maharramov to **4 years**, Babek Hasanov to **3 years** of prison. R. Nasirov and V. Rustamli had been sentenced to conditional arrest terms (6 years, 8 months). The court also ruled confiscation of properties belonging to Rustamli and his siblings in Baku and Gedabey, including the house of his father. Baku Court of Appeal(chairing judge by Namig Mammadov)*

¹⁹ <https://bit.ly/2AqR3eu>

²⁰ <https://bit.ly/2tFD5G>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

upheld the decision on 8 May, 2019. The Supreme Court (chairing judge Ali Seyfaliyev) upheld the decision of the Baku Court of Appeal except partially changing it only on the part of S. Rustamov – the qualification of the offence was changed from Article 234.3 to 234.1 of the Criminal Code.

10. Saleh Maharram oglu RUSTAMOV



© Facebook profile

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*), 234.1 (*Illegal purchase or storage without a purpose of selling of narcotics or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption*) of the Criminal Code

Sentence: The trial continues.

Place of detention: Prison No. 12

11. Agil Ali oglu MAHARRAMOV



© 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Place of detention: Prison No. 2

12. 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: Prison No. 6

C. 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.²¹

²¹ <http://bit.ly/2cE0tGt>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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.²² 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

* 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.

²² <http://bit.ly/2cNZSQA>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

violating rights and freedoms rather than conducting reforms.²³ In another interview, he said that there is no perspective for creation of an Islamic state in Azerbaijan.²⁴

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 Armenia²⁵. 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.

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.²⁶ 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.²⁷

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.²⁸

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

²³ <http://bit.ly/2cW80AC>

²⁴ <http://bit.ly/2cFTyPb>

²⁵ <http://bit.ly/2cr5nFU>

²⁶ <http://bit.ly/2cNerWl>

²⁷ <http://bit.ly/2dgtlpc>

²⁸ <http://bit.ly/2crsCQj>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

mosques located in Nardaran were against the state. Baghirzade blamed the government for the tension and called for a solution to the problems.²⁹

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.³⁰

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 Mehbaliev 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

²⁹ <http://bit.ly/2dgxzNA>

³⁰ <http://bit.ly/2crugBx>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

described the activities of T. Baghirzade as strengthening of the Iranian-Persian agents' network.³¹ 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.³²

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 Azerbaijan.³³ 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.³⁴ 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.^{35,36,37} The Caucasian Muslims Office released a statement with political content at the late hours of the day the operation was held³⁸.

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.³⁹ 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

³¹ <http://bit.ly/2d5HoeT>

³² <http://bit.ly/2cIi790>

³³ <http://bit.ly/2cWUyMv>

³⁴ <http://bit.ly/2cz1kay>

³⁵ <http://bit.ly/2d6cGQI>

³⁶ <http://bit.ly/2cYYZoh>

³⁷ <http://bit.ly/2d6d6ql>

³⁸ <http://bit.ly/2d6cVeA>

³⁹ <http://bit.ly/2cupLYt>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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. 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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.⁴⁰ 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 imprisoned⁴¹.

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.⁴²

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

⁴⁰ <http://bit.ly/2cKIrPD>

⁴¹ <http://bit.ly/2d7kbcq>

⁴² <http://bit.ly/2drxlmI>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 Aghayev) 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 Court of Appeal (chairing judge Vugar Mammadov) on 08 May 2017 and The Supreme Court (chairing judge Gulzar Rzayeva) on 28 November 2017.⁴³*

13. 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 Court of Appeal (chairing judge Vugar Mammadov) with its decision from 8 May 2017 kept this sentence in force.*

14. 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

⁴³ E. Bunyadov and L. Ahmadov were released by the 16 March 2019 Presidential pardon decree.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 Court of Appeal (chairing judge Vugar Mammadov) with its decision from 8 May 2017 kept this sentence in force.

15. 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 Court of Appeal (chairing judge Vugar Mammadov) with its decision from 8 May 2017 kept this sentence in force.

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

16. Tale Kamil oglu BAGHIRZADE



© Presented by family

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*

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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 282,⁴⁴ 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, 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

⁴⁴ 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).

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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, 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

17. Farhad Nasraddin oglu BALAYEV



© 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.11

18. Jabbar Amirkhan oglu JABBAROV



© Presented by family

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Sentence: 19 years

Place of detention: Gobustan closed prison

19. Ibrahim Mahammad oglu KHUDAVERDIYEV



© Presented by family

Date of arrest: 26 November 2015

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Charge: Same charges listed in the above case

Sentence: 14 years 6 months

Place of detention: Prison No.1

20. 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

21. 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

22. Abbas Abdulrahman oglu GULIYEV



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

23. Ali Hasrat oglu NURIYEV



Date of arrest: 26 November 2015

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Charge: Same charges listed in the above case

Sentence: 14 years 6 months

Place of detention: Prison No.12

24. 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 6 months

Place of detention: Prison No.1

25. Alibala 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

26. Ramin Maharram oglu YARIYEV



Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Sentence: 10 years

Place of detention: Prison No.2

27. Abbas Mammadbagir oglu HUSEYNOV

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019



© Presented by family

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 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 (chairing 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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.

28. 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 No. 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.

29. Bahruz Rahib oglu ASGAROV



© Presented by family

Date of arrest: 09 December 2015

Charge: Same charges listed in the above case

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Sentence: 14 years 6 months

Place of detention: Prison No.1

30. 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

31. 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 (chairing judge Alovzat 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, I. 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 Court of Appeal (chairing judge Bayram Amirov) and Supreme Court upheld decision without any changes in their hearing on 20 July 2017 and 01 March 2018, respectively.⁴⁵⁴⁶*

⁴⁵ The cases have been taken before the European Court and some of them have already been communicated pending judgment. <http://hudoc.echr.coe.int/eng?i=001-182801>

⁴⁶ R. Jabrailov was released by the 16 March 2019 Presidential pardon decree.

The case of E. Gasimov and others

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 22nd 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 Office 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:

Charges: 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 firearms or objects used as a weapon*), 214-2 (*public calls for terror*), 220.2 (*Calling for active insubordination*

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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), by the decision of 28 December 2017, 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 ⁴⁷. The Baku Court of Appeal (chairing judge Elshad Shamayev) and Supreme Court (chairing judge Imran Hajigayibov) upheld decision without any changes in their hearing on 04 April 2018 and 08 January 2019, respectively.*

⁴⁷ E. Gasimov, S. Aslanov and R. Aliyev were released by the 16 March 2019 Presidential pardon decree.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

32. Agaali Eldar oglu YAHYAYEV



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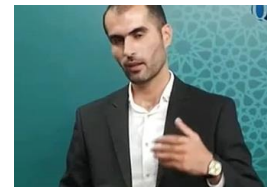
Date of arrest: 05 November 2015

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

33. 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

34. Vusal Nadir oglu ALISH



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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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

35. Nahid Nasib oglu GAHRAMANOV



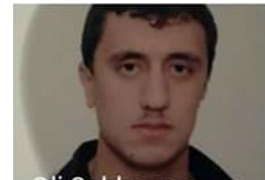
Date of arrest: 02 December 2015

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

36. 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

37. Amirali Ismayil oglu ALIYEV

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

38. Farhad Mirzahasan oglu MURADOV



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Date of arrest: 07 December 2015

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 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

39. Seyfaddin Nurulla oglu SHIRVANOV



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Date of arrest: 09 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

40. Isa Tofiq oglu 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

41. Elkhan Savadulla oglu ISGANDAROV



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Date of arrest: 15 March 2017

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 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. On 26 September 2018, Baku Court of Appeal (chairing judge Amir Bayramov, on 12 June 2019, the Supreme Court (chairing judge Ali Seyfaliyev) upheld the decision, respectively..

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

42. Jabir Sabir oglu ALIYEV

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: decription of articles in the case summary above*)

Sentence: 14 years

Place of detention: Prison No. 12

43. 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: decription of articles in the case summary above*)

Sentence: 13 years

Place of detention: Prison No. 15

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

44. 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

45. 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

46. 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

47. 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

48. 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 Guliyev, 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), on 16 November 2018 the Supreme Court (chairing judge Tahir Kazimov) upheld this decision, respectively.⁴⁸*

49. 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

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

⁴⁸ Z. Mikayilov, R. Ismayilov, E. Aghayev, A. Huseynov and E. Hasanov were released by the 16 March 2019 Presidential pardon decree.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 (charing judge Ismayil Ahmadov) upheld the decision.

50. 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

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. 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.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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 Septemberr 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 ECHR.

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, Ombudsperson's Office, International Red Cross Baku office, Administrative Detention Facility. On 10 October lawyer inquired in Baku Pre-Trial Detention 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 (chairing judge Sabuhi Huseynov) sentenced A. Nuruzade for 7 years to prison. On 8 August 2018, Baku Court of Appeal (chairing judge Mirpasha Huseynov) upheld this decision. By its decision of

30 January, 2019, the Supreme Court (chairing judge Tahir Kazimov) upheld the decision of previous instance.

(2) 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.⁴⁹ 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.

⁴⁹ <http://bit.ly/1mb5txL>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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 Mammadzayev 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 Mammadzayev 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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. 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 Mammadzayev in a mosque in Guba, did not recognize Mammadzayev 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.⁵⁰

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.

51. 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

⁵⁰ The European Court has accepted the application on this case for consideration.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Sentence: 10 years

Place of detention: Prison No. 12

52. 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

53. 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

54. Rufulla Hojatullah oglu AKHUNDZADE



© Presented by family

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

55. Faramiz Zeynal oglu ABBASOV



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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

(3) Other religious activists

56. Abgul Neymat oglu SULEYMANOV



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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.

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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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.⁵¹

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.

57. Sardar Arif oglu BABAYEV



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Date of arrest: 22 February 2017

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,

⁵¹ <http://bit.ly/1hiq3vA>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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. On 25 September 2017 Shirvan Coty Court (chairing judge Rafiq Jafarov), on 13 February 2018 the Supreme Court (chairing judge Gulzar Rzayeva) upheld the sentence.

D. 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 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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.⁵² Nagiyev’s statements have not been officially dismissed.

Lifetime imprisonment sentence could not have been applied

On 10 February 1998, the National Assembly (*Milli 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

⁵² <http://bit.ly/1f0C3kt>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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.

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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

and A.Kazimov were on this list, and were considered to be political prisoners.⁵³ 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.⁵⁴

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.⁵⁵ 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.⁵⁶ 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.⁵⁷ 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.

58. 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

⁵³ <http://bit.ly/1hEhLL3>

⁵⁴ <http://bit.ly/1h3hjoL>

⁵⁵ <http://bit.ly/P93b7e>

⁵⁶ <http://bit.ly/1dUqbwR>

⁵⁷ <http://bit.ly/1gJUxIg>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

(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 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, knuckle-

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

duster or other side-arms, as well as by other objects specially made to injure body); Article 220, Parts 1 (Carrying, storing, acquiring, making or selling firearms (except for smooth-bore hunting rifles), ammunition or explosive substances), 2 (Carrying, making or selling daggers, Finnish knives, and other side-arms except in cases when they are considered elements of national costumes without permit); and Part 3 of Article 220-1 (Stealing firearms (except for smooth-bore hunting weapons and ammunition), ammunition or explosive substances through a mugging attack or by a particularly dangerous recidivist)

Sentence: Life imprisonment

Place of detention: Gobustan Closed Prison

59. 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 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*

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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

60. 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 (*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

E. POLITICAL HOSTAGES

61. Emin Shahlar oglu SAGIYEV



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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 Sagiyeve 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 Haziyeve 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 Conscience 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

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

“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 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. Baku Court of Appeal upheld the decision of first instance on 10 December, 2018.

F. 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 Code of Criminal Procedure. Detainees were also denied access to their lawyers in initial days after their arrest.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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.

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 (chairing judge Anvar Seyidov), sentenced Said Dadashbayli to **14 years**, Rashad Aliyev to **14 years**, Jeyhun Aliyev to **14 years**, Jahangir Karimov to **14 years**, Farid Agayev to **13 years**, Samir Gojayev to **13 years**, Baybala Guliyev to **13 years**, Rasim Karimov to **13 years**, Emil Mohbaliyev 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**.⁵⁸*

62. Said Alakbar oglu DADASHBAYLI



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⁵⁸ On 15 January 2019, E. Mohbaliyev and M. Idrisov were released as they served their prison term. On 16 March 2019, R. Aliyev, F. Aghayev, S. Gojayev, B. Guliyev and R. Karimov were released by the Presidential Pardon Decree.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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 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

63. 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*

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

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

64. 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 6 months

Place of detention: Prison No. 1

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

G. GANJA CASE

The arrests took place after the assassination attempt to ill-popular governor of Ganja on 3 July, 2018 and following events, including a gathering in the central square of Ganja, where two high-ranking police officers were killed by stabbing with a sword.

The person, who attempted to kill the governor, Yunis Safarov, had been arrested and allegedly tortured. Rashad Boyukkishiyev, who killed two policemen with a sword, had been killed during the operation led by the Internal Security Service.

The Working Group does not recognize Safarov as a political prisoner and carefully studied the materials to clarify, if those arrested in the events following the assassination, were linked to violent actions.

The Working Group decided to recognize the vast majority of the defendants in this case as political prisoners for the following reasons:

The Group has not revealed any evidence proving that the events, happened in Ganja on 10 July, 2018, were planned in advance with the intention of violence. The gathering happened after the information with regard to Y. Safarov being subjected to torture was spread through social media. Such gatherings are not prohibited with relevant legislation of Azerbaijan: the legislation doesn't require prior permission for such gatherings which happen spontaneously (Law on Freedom of Assembly).

The law enforcement failed to provide any credible evidences about relevance of charges to the most of the arrested people under this case. Allegations of any links between those arrested and violent actions had not been supported with evidential materials. Although, the law enforcement referred to religious factor (and most of those, arrested were practicing believers) the studied materials show that the protests were not motivated with religious sentiments, but based on the resentment of the population over ongoing oppression by the local government.

The inadequate cruelty, employed by law-enforcement in suppressing these kind of protests, tortures against the protesters and unprecedentedly high punishment measures show that the government's actions against them is motivated by the revenge, rather than restoring order in the city.

Based on research, including, study of numerous court materials, court observation and individual research, the Working Group concluded that the detention and prosecution of the most arrested persons under Ganja cases are politically motivated:

- the case material provided by prosecution do not support allegations that these persons have committed any illegal actions.
- The protest action on 10 July 2018 was peaceful and the government bodies did not provide any evidence that the violent actions taking place in the square were planned, or committed by the arrested persons.
- there are credible evidences that all arrested persons have been subjected to severe torture
- the government bodies and the courts refused to investigate torture allegations

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

- the arrested persons had been denied qualified and independent access to defense, while the investigation and court proceedings were flawed with the numerous violations of procedural legislation.
- the arrested persons were denied the right to presumption of innocence, when the government continually presented them as terrorists, criminals, etc. Those who criticized the government for illegal actions against the arrested persons, were labeled as “mouthpieces of the foreign hostile forces”.

Detailed opinion of the Working Group on The Ganja Case can be found in Appendix 1 to this report.

Those arrested related to Ganja case

Group I

*By the decision of Ganja Grave Crimes Court (chairing judge Dadash Imanov) dated 22 February 2019, Samir Ibrahimov, Khayal Gafarov were sentenced to **10 years**, Kamal Guliyev, Ali Rzayev to **8 years 6 months** and Raul Suleymanov, Ulvi Hasanov, Vugar Allahverdiyev to **8 years** in jail. By the decision of Ganja Court of Appeal dated 22 August 2019, S. Ibrahimov and K. Gafarov's prison terms were reduced to **6 years**, K. Guliyev, A. Rzayev, R. Suleymanov, U. Hasanov and V. Allahverdiyev's prison terms were reduced to **4 years 6 months** and R. Gurbanzade, M. Seyidov, K. Mammadtaghiyev and G. Huseynov's prison terms were reduced to **1 year**. Last four persons were released as they served their term.*

65. Kamal Gudrat oglu GULIYEV

Date of arrest: 14 August 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 4 years 6 months

Place of detention: Prison No. 2

66. Raul Fazil oglu SULEYMANOV

Date of arrest: 14 August 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Sentence: 4 years 6 months

Place of detention: Prison No. 6

67. Ulvi Sadaddin oglu HASANOV

Date of arrest: 16 August 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 4 years 6 months

Place of detention: Prison No. 17

68. Vugar Rauf oglu ALLAHVERDIYEV

Date of arrest: 16 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 4 years 6 months

Place of detention: Prison No. 10

69. Samir Ramiz oglu IBRAHIMOV

Date of arrest: 12 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*), 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*), 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*) and 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*) of the Criminal Code

Sentence: 6 years

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Place of detention: Prison No. 6

70. Khayal Khalig oglu GAFAROV

Date of arrest: 24 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*), 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*) 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 large amount*) of the Criminal Code

Sentence: 6 years

Place of detention: Prison No. 10

71. Ali Huseyn oglu RZAYEV

Date of arrest: 16 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 4 years 6 months

Place of detention: Prison No. 2

GROUP II

*By the decision of Ganja Grave Crimes Court (chairing judge Faig Mahmudov) dated 22 February 2019, Kamal Maharramov and Orkhan Yagnaliyev were sentenced to **8 years 6 months**, Maarif Hajiyeve, Shahlar Rzayev, Ruslan Hasanov, Tural Bayramov, Nizami Akbarov, Toghrul Verdiyev, Seymur Aliyev and Vagif Ashrafov to **8 years**, Araz Hasanov to **7 years 6 months** in jail. By the decision of Ganja Court of Appeal (chairing judge Chingiz Mammadov) dated 15 August 2019, the qualification of the crime were changed from Article 315.2 to 315.1 of the Criminal Code. So that M. Hajiyeve's prison term were reduced to **5 years**, O. Yagnaliyev's prison term were reduced to **4 years 7 months**, S. Aliyev, N. Akbarov, S. Rzayev, R. Hasanov and T. Verdiyev's prison terms were reduced to **4 years 6 months**, A. Hasanov, K. Maharramov, T. Bayramov and V. Ashrafov's prison terms were reduced to **4 years 1 month**.*

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

72. Maarif Jamshid oglu HAJIYEV

Date of arrest: 11 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 5 years

Place of detention: Prison No. 5

73. Shahlar Eldar oglu RZAYEV

Date of arrest: 11 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 6 months

Place of detention: Specialized Prison

74. Ruslan Rizvan oglu HASANOV

Date of arrest: 11 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 6 months

Place of detention: Prison No. 13

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

75. Tural Arzu oglu BAYRAMOV

Date of arrest: 12 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 1 month

Place of detention: Prison No. 10

76. Nizami Yusif oglu AKBAROV

Date of arrest: 12 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 6 months

Place of detention: Prison No. 6

77. Kamal Nasir oglu MAHARRAMOV

Date of arrest: 11 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 315.1 (*Application of the violence dangerous to life or health concerning the representative of authority in connection with performance of official duties by him*) of the Criminal Code

Sentence: 4 years 1 month

Place of detention: Prison No. 13

78. Seymur Jeyhun oglu ALIYEV

Date of arrest: 11 July 2018

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 6 months

Place of detention: Prison No. 2

79. Toghrul Mahir oglu VERDIYEV

Date of arrest: 14 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 6 months

Place of detention: Prison No. 2

80. Orkhan Zakir oglu YAGHNALIYEV

Date of arrest: 15 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 7 months

Place of detention: Prison No. 2

81. Araz Fuzuli oglu HASANOV

Date of arrest: 14 August 2018

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 1 month

Place of detention: Prison No. 10

82. Vaghif Arif oglu ASHRAFOV

Date of arrest: 14 August 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) 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

Sentence: 4 years 1 month

Place of detention: Prison No. 6

Group III

By the decision of Ganja Grave Crimes Court (chairing judge Khagani Samadov) dated 01 March 2019, Elman Rustamov and Nemat Haydarli were sentenced to 8 years, Elvin Allahverdiyev, Elvin Nazarov and Vugar Khudiyev to 7 years and Renat Mammadov to 6 years in prison. By its decision dated 30 August 2019, Ganja Court of Appeal reduced E. Rustamov's prison term to 5 years, E. Allahverdiyev's prison term to 4 years, V. Khudiyev's prison term to 3 years, E. Nazarov and R. Mammadov's term to 1 year 6 month and N. Haydarli's term to 1 year. N. Haydarli was released as he served his prison term.

83. Elvin Nariman oglu ALLAHVERDIYEV

Date of arrest: 14 August 2018

Charge: Article 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) of the Criminal Code

Sentence: 4 years

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Place of detention: Shaki Penitentiary Facility

84. Elvin Novruz oglu NAZAROV

Date of arrest: 14 August 2018

Charge: Article 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) of the Criminal Code

Sentence: 1 year 6 months

Place of detention: Prison No. 2

85. Renat Miri oglu MAMMADOV

Date of arrest: 14 August 2018

Charge: Article 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) of the Criminal Code

Sentence: 1 year 6 months

Place of detention: Shaki Penitentiary Facility

86. Vugar Masim oglu KHUDIYEV

Date of arrest: 14 August 2018

Charge: Article 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) of the Criminal Code

Sentence: 3 years

Place of detention: Prison No. 6

87. Elman Ilham oglu RUSTAMOV

Date of arrest: 14 August 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Sentence: 5 years

Place of detention: Prison No. 10

Group IV

*By its decision dated 10 May 2019, Ganja Grave Crimes Court (chairing judge Elmin Rustamov) sentenced Yaver Ismailzade to **9 years**, Zabil Mammadov to **8 years 6 months**, Isa Maharramzade and Aydin Rustamov to **8 years**, Ganbar Garazade and Alim Yusifov to **7 years 6 months** in prison. By its decision of 23 August 2019, Ganja Court of Appeal reduced Y. Ismailzade, Z. Mammadov and I. Maharramzade's prison terms to **5 years**, A. Rustamov, G. Garazade and A. Yusifov's prison term to **2 years** and E. Aliyev's prison term to **1 year**. E. Aliyev was released as he served his prison term.*

88. Yaver Azer oglu ISMAILZADE

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*), 229.4 (*Illegal manufacturing of a gas weapon, cold steel, including the throwing weapon*) and 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*) of the Criminal Code

Sentence: 5 years

Place of detention: Prison No. 10

89. Zabil Gabil oglu MAMMADOV

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 5 years

Place of detention: Prison No. 2

90. Ganbar Jabbar oglu GARAZADE

Date of arrest:

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 2 years

Place of detention: Prison No. 17

91. Isa Yasin oglu MAHARRAMZADE

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 5 years

Place of detention: Prison No. 6

92. Aydin Arif oglu RUSTAMOV

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 2 years

Place of detention:

93. Alim Vahid oglu YUSIFOV

Date of arrest:

Charge: Article 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) of the Criminal Code

Sentence: 2 years

Place of detention: Prison No. 17

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Group V

Ganja Grave Crimes Court (chairing judge Dadash Rzayev), on 30 September 2019, convicted Bakram Aliyev to 15 years, Habib Gurbanov to 8 years, Mirza Huseynov and Asif Javadov to 5 years in jail

94. Bakram Khagani oglu ALIYEV

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 15 years

Place of detention: Baku Pretrial Detention Facility

95. Habib Farhad oglu GURBANOV

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 8 years

Place of detention: Baku Pretrial Detention Facility

96. Mirza Cehrun oglu HUSEYNOV

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 5 years

Place of detention: Baku Pretrial Detention Facility

97. Asif Ali oglu JAVADOV

Date of arrest:

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 5 years

Place of detention: Baku Pretrial Detention Facility

Group VI

Ganja Grave Crimes Court (chairing judge Khagani Samadov), on 19 September 2019, convicted Eshgin Guliyev to 20 years, Urfan Mammadov and Oktay Huseynzade to 18 years, Rauf Bayramov to 9 years, Abbas Abbasov and Elshan Mammadov to 7 years and Huseyn Bayramov to 2 years in jail.⁵⁹

98. Oktay Nazim oglu HUSEYNZADE

Date of arrest: 12 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 18 years

Place of detention: Baku Pretrial Detention Facility

99. Urfan Shahin oglu MAMMADOV

Date of arrest: 26 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 18 years

⁵⁹ Eshgin Guliyev died of AIDS and Hepatit C on 29 September 2019 - 10 days after the court verdict.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Place of detention: Baku Pretrial Detention Facility

100. Huseyn Rauf oglu BAYRAMOV

Date of arrest: 2 September 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 2 years

Place of detention: Baku Pretrial Detention Facility

101. Rauf Fazil oglu BAYRAMOV

Date of arrest: 26 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 9 years

Place of detention: Baku Pretrial Detention Facility

102. Elshan Mammad oglu MAMMADOV

Date of arrest: 26 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 7 years

Place of detention: Baku Pretrial Detention Facility

103. Abbas Rasul oglu ABBASOV

Date of arrest: 26 July 2018

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 7 years

Place of detention: Baku Pretrial Detention Facility

Group VII

By its decision of 02 March 2019, Ganja Grave Crimes Court (chairing judge Mahammad Baghirov) sentenced Elman Guliyev to 8 years, Eyruz Hajiyeve to 7 years, Gulmirza Nurzade, Sabuhi Rajabov, Fikrat Mirzaliyev and Sabir Azizov to 6 years, Riyad Nurzade and Jabir Azizov to 5 years in prison. By its decision of 26 August 2019, Ganja Court of Appeal reduced E.Guliyev's sentence to 5 years, E.Hajiyeve, F. Mirzaliyev, S. Rajabov, G. Nurzade and S. Azizov's sentences to 2 years 6 months, and R. Nurzade and J. Azizov's sentences to 1 year 6 months in prison. The Qualification of their Crime (except E.Guliyev) were changed from Article 220.1 to 29.220.1 of the Criminal Code.

104. Sabir Mardan oglu AZIZOV

Date of arrest: 18 July 2018

Charge: Articles 29.220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders but the crime was not completed by circumstances not dependent on will of this person*) and 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*) of the Criminal Code

Sentence: 1 year 6 months

Place of detention: Prison No. 17

105. Gulmirza Badal oglu NURZADE

Date of arrest: 14 August 2019

Charge: Articles 29.220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders but the crime was not completed by circumstances not dependent on will of this person*) and 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*) of the Criminal Code

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Sentence: 2 years 6 months

Place of detention: Prison No. 13

106. Riya Badal oglu NURIZADE

Date of arrest: 18 July 2018

Charge: Articles 29.220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders but the crime was not completed by circumstances not dependent on will of this person*) and 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*) of the Criminal Code

Sentence: 1 year 6 months

Place of detention: Prison No. 13

107. Fikrat Huseyn oglu MIRZALIYEV

Date of arrest: 18 July 2018

Charge: Articles 29.220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders but the crime was not completed by circumstances not dependent on will of this person*) and 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*) of the Criminal Code

Sentence: 2 years 6 months

Place of detention: Prison No. 6

108. Eyruz Tofiq oglu HAJIYEV

Date of arrest: 14 August 2018

Charge: Articles 29.220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders but the crime was not completed by circumstances not dependent on will of this person*) and 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*) of the Criminal Code

Sentence: 2 years 6 months

Place of detention: Prison No. 10

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

109. Sabuhi Sardar oglu RAJABOV

Date of arrest: 14 August 2018

Charge: Articles 29.220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders but the crime was not completed by circumstances not dependent on will of this person*) and 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*) of the Criminal Code

Sentence: 2 years 6 months

Place of detention: Prison No. 6

110. Elman Telman oglu GULIYEV

Date of arrest: 18 July 2018

Charge: Articles 220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders*) and 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*) of the Criminal Code

Sentence: 2 years

Place of detention:

111. Jabir Mardan oglu AZIZOV

Date of arrest: 18 July 2018

Charge: Articles 29.220.1 (*The organization of a mass disorders accompanied with violence, breaking, arsons, destruction of property, application of fire-arms, explosives, and also rendering of armed resistance to representative of authority, or participation in such disorders but the crime was not completed by circumstances not dependent on will of this person*) and 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*) of the Criminal Code

Sentence: 2 years

Place of detention: Prison No. 17

Those arrested due to the posts on social media relating to the “Ganja case”

112. Agshin Jahangir oglu ASGAROV

Date of arrest: 16 July 2018

Charge: Article 281.2 (*Public appeals to violent capture of authority, violent deduction of authority or violent change constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents committed repeatedly or by group of persons*) of the Criminal Code

Sentence: 5 years 6 months

Place of detention:

Case summary: A.Asgarov was an officer deployed in the military unit #515 based in Nakhchivan. After the assassination attempt to governor of Ganja city he shared some posts under Facebook nickname Emin Kapaz. The posts he re-posted from other profiles were both in support to Yunis Safarov, the attacker, and condemning the violence. The posts that are believed to be reason for his arrest are :

“Our friends in Ganja request help from our nation. Internet is down, police has beaten and dispersed people from the square in front of Governor’s Office. They ask, all Azerbaijan should revolt to help Ganja”

The governor who said "if there is a man in Ganja let him come and put my hand down" got his response promptly. Ganja people had their say. Elmar Valiyev was killed.

“I kiss your hand, Ganja boy – the hero who punished Elmar Valiyev”

“There will be a protest on July 10 at 20:00 in front of Ganja Governor’s office!”

“We should immediately start working for taking discontented people to streets in every city and district of Azerbaijan and start struggle with tyranny power of Ilham Aliyev”

“There will be a protest on July 10 at 20:00 in front of Ganja Governor’s office. Don’t leave Yunis alone! Don’t stay silent this time! Support Yunis!”

“The tyranny of Ilham Aliyev and his gang continues...”

“Do you think Azerbaijani people are asleep or awake?”

A. Asgarov was arrested after re-posting these posts. He was initially charged with article 281.1, then the charge was changed to the second part of the article, meaning that alleged crime was committed by a group.

A. Asgarov is sentence to 5 years 6 months of arrest by Military Court of Nakhchivan Autonomous Republic. Military Chamber of the NAR Supreme Court (chairing judge Yusifali Gurbanov) upheld the decision on 29 November 2018. Azerbaijan Republic Supreme Court’s Military Chamber dismissed the cassation appeal on 23 May 2019. Asgarov’s name is shown as XXX in all decisions.

The Working Group considers Agshin Asgarov as a political prisoner for following reasons:

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

Unlike other individuals arrested with relation to Ganja events and recognized as political prisoners, Asgarov did not even participate in the protests, but only reposted the statuses of other people who supported the protest and Yunis Safarov.

The forensic examination of the reposted content, heard in the domestic trials reads that by spreading information about tortures against Safarov, reposting content against state, without checking their credibility, inviting people to illegal rallies Asgarov aimed at harming social political stability, paralyzing activity of state authorities and breaking public order.

As the posts shared by other Facebook users and re-posted by Asgarov were the basis for the criminal case, the Working Group, decided to analyze them.

Posts about Yunis Safarov: Safarov's photo, demonstrating obvious injuries on his face were condemned not only by Asgarov, but got massive negative response from Azerbaijani users of FB. Large number of people have called the government to explain the injuries. Although the Ministry of Interior have claimed that the photo was false, the authenticity of it was confirmed by officials soon. Interior Ministry explained that Safarov got injured when resisting police upon detention. Conflicting statements of Interior Ministry only increased public discontent about the practices of the police and people have expressed criticism in different ways. Asgarov expressed his criticism by re-posting other people's posts. Even if there is a criminal liability for the content he shared, only original authors are to be held responsible for them.

Domestic courts decisions read that Asgarov "made open calls for violent change of power by supporting Yunis Safarov, the criminal who committed terrorist attack". Safarov has not been sentenced yet and in their decisions, domestic courts violate presumption of innocence right by naming him terrorist. Even if Safarov's crime would be proven as terrorism by the court, mere verbal support to his actions without creating any threat cannot be considered as a crime. In this case Asgarov demonstrated empathy to the person who is not yet announced as a criminal by domestic courts and this support did not go beyond re-posting of other people's content.

Posts about protest action: As it was stated in the Working Group's Opinion on Ganja events, the protest action on 10 July was peaceful, with exception of actions of several individuals. European Court of Human Rights have repeatedly confirmed that individual violent actions of some protesters do not mean that the protest action was not peaceful. Most of the posts shared by Asgarov were only announcing the protest demonstration on July 10 and even the sentences disturbing the state authorities were not inciting any violence.

Effect of the Facebook posts: As the Supreme Court's decision and Facebook posts in Emin Kapaz profile show, he was not an active user of social media and only reposted other people's content. He didn't even have large audience in Facebook, where he was registered under a fake name. Given that Facebook algorithms limit audience of the second-hand posts, the possibility of their impact to large number of people is impossible. His posts gained maximum 3 likes and were not shared by other users. Even if the content of his posts would be violent, their impact is unlikely to be of any threat to anyone.

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 obligations⁶⁰ 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.

⁶⁰ <http://bit.ly/2cNAbOo>

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

APPENDIX 1

Prisoners whose cases are under monitoring

The Working Group on a Unified List of Political Prisoners is currently studying attentively the cases of 11 prisoners under monitoring. Once a conclusion is reached on whether or not they are political prisoners, it will be publicized in a press release:

The Working Group recognized 52 persons who were arrested with regard to crackdown following assassination of Ganja city governor and murdering of two policemen on 3 and 10 July 2018, respectively. However, this list is not complete, as the Working Group has not got the relevant documents for evaluation of other persons arrested with the same reason

List of the prisoners under monitoring:

1. Shafag Aghajan gizi AGHABALAYEVA
2. Renad Mahir oglu ALIYEV
3. Firudin Etibar oglu ZEYNALOV
4. Orkhan Nariman oglu HUSEYNOV
5. Sakhavat Vagif oglu AHMADOV
6. Rasim Rafig oglu HEYDAROV
7. Mirmajid Akif oglu ABBASOV
8. Ariz Mubariz oglu FEYZİ-ZADE
9. Elmir Elkhan oglu MAMMADOV
10. Nofal Afladdin oglu MAMMADOV
11. Eltun Jeyhun oglu ALIYEV

APPENDIX 2

“Ganja case”

(1) General background of the case

On 3 July, 2018 Yunis Safarov, national of Russian Federation, originally from Ganja city of Azerbaijan attempted assassination of the governor of Ganja city Elmar Valiyev. Valiyev and his bodyguard were both wounded. Shortly after the incident Safarov was detained and the photos of him, tortured in the police station had been leaked to social media. Anonymous accounts have also distributed in social media and via whatsapp calls for protest gathering on 10 July, 2018. The announcement was calling to protest torture against Safarov, as well as to end family rule of Elmar Valiyev in Ganja city. On 10 July 2018, at 20:00 a group of people gathered in front of the city Executive Power office, demanding resignation of Valiyev. During the gathering an individual, Rashad Boyukkishiyev, attacked policemen with a sword, killing two high ranking officials and injuring one. The protest was dispersed by police in less than one hour time.

On 10 July, 2018, the office of the Chief Prosecutor, Ministry of Interior and Internal Security Service, issued joint statement, informing that a group of 150-200 people “with radical religious affiliation” gathered in the square in front of the executive power in an attempt to break the order in town and resisted police officers in duty with dull, cutting and piercing tools. In the statement, the law-enforcement said, the order was restored within 30 minutes, 40 people were arrested and brought to the Ganja City Main Police Department, the rest escaped. Joint statement also read that the two high-ranking police officers – deputy chief of the Ganja City Main Police Department police colonel Ilgar Balakishiyev and deputy chief of Nizami district Police Department colonel-leutenant Samad Abbasov were killed in result of wounds perpetrated with cutting-piercing tools.

The Ministry of Interior in the statement of 13 July 2018, informed about detention of Samir, Ibrahimov, the person, suspected in the killing of policemen. According to statement, another suspect - Rashad Boyukkishiyev was killed during armed resistance to police in Moranli village of Shamkir district, where he was hiding.

Chief Prosecutor’s office has also stated that 77 people were detained in relations with the events of 3 and 10 July, 11 others were wanted by police.

59 out of 77 arrested persons are those, detained in relation with the protest action of 10 July. Their cases are split into six different criminal cases and sent to Ganja Grave Crimes Court.

Official statements also confirm that six people had been killed during operations, conducted by law-enforcement within these cases. According to official statements these people had been killed because of armed resistance to police. However, despite, police’s obligation to explain the conditions of the use of lethal power as a last resort, no credible explanation had been provided to public.

(2) Processual violations during initial investigation and torture allegations

The initial investigation process had been marred with numerous grave violations. Arrested persons informed public through their siblings that they had been subjected to severe tortures in Ganja police departments (especially in Nizami District Police Department) and then in Baku, in the Anti-Organized Crime Unit of the Ministry of Interior. The detainees alleged that they had been forced to sign confessions, after being subjected to following tortures:

- hands and feet bound to each other either with plastic tapes or handcuffs, eyefolded and beaten;
- beating of foot roles by batons;
- electroshock;
- burning of different parts of body with the lighter;
- fingers squeezed in special squeezers;
- forced to lie in the police department's corridor, continuously been kicked with heavy boots, kicks on chest, etc.

The detainees reported that they repeatedly fainted as a result of the beating, then were brought to conscious by cold water poured on them, and beaten again. Ganja prisoner Elvin Nazarov describes the tortures:

"I was so severely beaten that my whole body was in bruises. I was bleeding and could not stand, but they would not allow me to sit. Someone asked, why they wouldn't let me sit, and they allowed. When I tried, I could not sit. My foot roles were ruined by baton kicks, so, I could not even press on my foot or wear my shoes."

Those who were brought to the Anti-Organized Crime Unit in Baku also report severe tortures. Many of the Ganja detainees confirmed that police officers were entering cells in different times of the day and night and beating them in the cell. Some reported being subjected to electrical shock of genitals. Sibling of one of the defendant told WG members that some arrested Ganja prisoners could not walk after being transferred to the Pre-Trial Investigation Facility and were depending on care of the cellmates including being fed and taken to toilet.

The arrested were denied any access to relatives during 9 days after arrest. They were kept incommunicado, with no access to lawyers, or limited access to the state appointed lawyer, who did not provide any legal help.

(3) Procedural violations during court hearings, torture complaints

The court investigations of the criminal cases related to Ganja 10 July protest started as of 10 January 2019. Although the cases are heard by judges of Ganja Grave Crimes Court, the hearings are conducted in the building of Sabunchu District Court in Baku. The court did not explain the necessity of the venue choice in different jurisdiction and the court verdicts do not mention the procedural decision. Although the trial was announced open to public, it was factually semi-closed: journalists were demanded special accreditation; those, present in the courtroom were not allowed to take any handwritten notes; some journalists were expelled from the courtroom.

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

The court verdicts read that the participants of the protest gathering were organized in criminal group, and participated in mass unrest, using some subjects as arms, and committed violent actions against government representatives in duty. However, during the court hearing it was confirmed by numerous witness statements and evidences that the defendants, most of whom were not even acquaintances, did not initiate or planned the rally, they have learned about it in social networks or public sources, some of them were mere observers, not participants of the protest rally. No evidence proving the deliberation, group planning or intend to violent actions had been provided by prosecutors.

Despite the ruling of the court stating that criminal charges are supported by specific facts, statements by witnesses and victims, material evidences and forensic evaluations, the verdict itself fails to cite any credible evidence, confirming participation of any of defendants in violent actions. All witnesses of prosecution and victims are police officers. The policemen gave detailed description of the person who attacked the policeman with the sword, and failed to provide any detailed information on the defendants and their actions in the rally scene.

Victim and witness statements provided by prosecution were repeated, as if copy pasted. All the events are described from one angle of the square, as if all witnesses were positioned in the same spot or statements copied from each other. Some policemen questioned in the court detailed, use of force by police, while their description of defendants' actions did not include crime. For example, police officer Elnur Mammadov stated in the court, that defendant Tural Bayramov, whom he was chasing, tried to hide in the bus station and pushed him on his chest in order to escape. Later Bayramov was arrested with the help of other policemen. Although forensic examination results show no injuries on the policeman Elnur Mammadov, there were bruises on Bayramov's body. The forensic examination and both victim and defendant statements show that the violent actions were perpetrated by police, not the defendant.

This is not a single case. The indictment names all those who allegedly attacked and injured police, however, the forensic results do not confirm existence of any injuries suffered by police. Vice versa, the alleged attackers are confirmed being injured, according to forensic results.

Although the events took place in the central square of Ganja, prosecution failed to support their claims with statements by witnesses, who had no affiliation with police. Independent witnesses stated in favor of defendants.

The protocols on search of defendants' houses show no evidence or proof, that these people were planning or intending violent actions, or their affiliation to the extremist groups.

The defendants stated in the court that they did not commit any violent actions in the protest action, did not bring any attack tools with them, did not injure anyone, and were not acquainted with Rashad Boyukkishiyev, who allegedly attacked the policemen with the sword. Only one of the defendants confirmed that he shouted religious slogan, although did not commit any violence, is ready to accept the partial guilt for participating in non-sanctioned rally, and he is sincerely sorry for doing it. All defendants said they were forced to sign confessions in police under torture and

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

pressure, and did not confirm their previous statements. They provided detailed information about torture they have been subjected to, including types of torture, place, names of torturers and other defendants who witnessed them being tortured. Despite all the detailed descriptions, the court ignored allegations of torture.

As in other politically motivated cases, the courts failed to conduct thorough investigations. The judges evaluated only accusing statements by policemen as credible and referred to the prosecution's line of words in the description of the events. The court verdicts are almost similar copies of the indictments.

The lawyers appointed by state only confirmed during the process that their participation was formal, they did not act upon torture allegations and rarely submitted any complaints on behalf of their defendants.

Motions of the lawyers of defendants' choice were ignored by the courts. For example, in the protocol on the examination of CC footages, it is stated that Mahir Hajiyeve, Shahlar Rzayev, Orxan Yaghnaliyev and Seymour Aliyev resisted the police, without detailing specific actions of resistance. Lawyers' motions to examine the footage in the courtroom were dismissed by the judge without explanation.

The US Religious Freedom Commission's Report states that it is difficult to define real nature of events in Ganja, however, local human rights defenders consider that the events were used by the government for suppressing political critics and creating the myth of Islamic terror. The report also refers to the prior cases of 68 prisoners of conscience who are members of Muslim Union Movement and the fact that tortures against members of the Union were systemic and endemic. The Commission included Azerbaijan to the list of the states of concern for cited policies.

Freedom House in its annual report refers to 10 July events in Ganja, when it describes the dire situation with freedom of assembly in Azerbaijan.

Ganja case prisoners are divided into seven groups and all groups were tried in separate hearings.

(4) Reasons to consider them political prisoners

The Working group refers to following arguments to consider these arrests as politically motivated.

These prisoners were arrested in relations to 10 July 2018 protest in Ganja city. The case file shows that some of those prisoners confirm their participation in the rally, while others say they were passers by or observers.

Forty prisoners were charged with the articles 220.1 and 315.2 of the Criminal Code. The legal ground for the charges must include organization of or participation in the mass unrest, or, in this case, using violence against police officers.

Regarding proofs: Prosecution refers to the statements of the arrested persons, policemen, who are both victims and witnesses and supporting documents, such as police reports, expert opinions, evaluation of the protocols. Some of these evidences, referred by prosecution, fail to meet standards of primary evidences supporting the

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

charges, as they do not constitute direct proofs include general observations and assumptions instead of direct proofs.

Most of the police statements lack information about actions of the specific suspect, they only describe general situation. During the court investigation, almost all of the prisoners stated that they confessed under torture and duress and asked the court to dismiss their previous statements.

The protocol of the video footage examination also lacks details of actions by accused persons. The protocols make general references without specifying who committed which actions in the examined video. The main evidence against defendants is the policemen's witness statements. Only in some of those statements, there are references to direct involvement of the arrested person to incriminated action. However, those statements lack credibility due to the procedural flows. European Convention provides that the defendants should have opportunity to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him (ECHR, article 6.3(d)).

Trial observation shows that in these hearings the defendants were denied the right to cross question the police witnesses during the investigation period. They were denied access to lawyers of their choice, being provided only with legal assistance of the state appointed lawyer, who did not effectively defend their right. European Court of Human Rights have repeatedly confirmed that state appointed lawyers in Azerbaijan fail to provide effective legal assistance (*Huseynli and Others v. Azerbaijan*, 67360/11 67964/11 69379/11, 11/02/2016, paras 125-134).

Thus the police statements cannot be considered sufficient as they do not meet standard of the credible evidence due to the fact that the statements were not effectively examined in the courts and defendants had no opportunity to effectively cross question these witnesses.

Grounds for charges: The casefile does not include single evidence about deliberate character or intended violence in the protest, as it is incriminated to the defendants. The protest was spontaneously announced after the pictures of Yunis Safarov's bruised face had been leaked to the social media. The video footage shows that in the beginning, the demonstrators move chaotically, they did not shout any extremist slogans and did not commit violent. At some point of the protest, violent action takes place, but the prosecution has failed to investigate the conditions leading to the violence. Nevertheless, none of the rally attenders, who are considered by the Working Group as political prisoner is proven to participate in the violent incident.

Azerbaijani legislation does not prohibit spontaneous demonstrations (The Law on Freedom of Assembly, article 5). None of the recognized political prisoner is proven to commit any violent action.

Motivation: Although the religious factor is being referred to by government officials (most of the arrested persons are practicing believers), the main motivation for the protest was the arbitrary and oppressive policies of the loval government (specifically Ganja governor Elmar Valiyev). The government of Azerbaijan has a reputation of

A UNIFIED LIST OF POLITICAL PRISONERS IN AZERBAIJAN

Covering the period up to 25 November 2019

suppressing anti-government actions with inadequate cruelty, using tortures and long term arrests in order to refrain others from mass protests.

Arrested participants of 10 July 2018 rally in Ganja were subjected to torture, their rights to access to legal representation, and other procedural rights had been violated, they were labeled by government officials as terrorists and criminals, those who defended their rights were accused in working for foreign forces – all these factors show political motivation in prosecution of these prisoners.

Moreover, inadequately severe punishment of these prisoners also is an evidence of the “revenge” policy of the government against them.

Conclusion: Based on research, including, study of numerous court materials, court observation and individual research, the Working Group concluded that the detention and prosecution of the most arrested persons under Ganja cases are politically motivated:

- the case material provided by prosecution do not support allegations that these persons have committed any illegal actions.
- The protest action on 10 July 2018 was peaceful and the government bodies did not provide any evidence that the violent actions taking place in the square were planned, or committed by the arrested persons.
- there are credible evidences that all arrested persons have been subjected to severe torture
- the government bodies and the courts refused to investigate torture allegations
- the arrested persons had been denied qualified and independent access to defense, while the investigation and court proceedings were flawed with the numerous violations of procedural legislation.
- the arrested persons were denied the right to presumption of innocence, when the government continually presented them as terrorists, criminals, etc. Those who criticized the government for illegal actions against the arrested persons, were labeled as “mouthpieces of the foreign hostile forces”.

Based on above, the Working Group considers that the most of the arrested persons within Ganja case are solely persecuted with political motives and are political prisoners.

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⁶¹ 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 for a year respectively on 22 January 2018 and 23 April 2018 (in the relevant dates of this year, these advocates' legal practise was restored as a year passed).