

**THE LIST OF
POLITICAL PRISONERS
IN AZERBAIJAN**

This list includes cases, studied by the Working Group
led by Leyla Yunus and Rasul Jafarov.

The list was lastly updated in December 2015

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SUMMARY

Civil society organizations (CSOs) working in Azerbaijan have issued this Report in order to draw international attention to the deepening problem of political prisoners in Azerbaijan. The number of politically-motivated arrests and detentions has considerably increased since the 26 January 2013 Resolution of the Parliamentary Assembly of Council of Europe (PACE) on “The follow-up to the issue of political prisoners in Azerbaijan”¹, and the situation has aggravated even more after Azerbaijan’s assuming presidency of the Council of Europe Committee of Ministers on 14 May 2014.

The Report was initially prepared based on the cases of political prisoners, who have been arrested or detained on politically-motivated fictitious charges until 12 August 2014, as well as those who have not been released by that date. At that time, there were 98 names in the list of political prisoners.

The Report was updated in May 2015 – the names of the released political prisoners were removed from the list, and the names of those political prisoners who were arrested/detained after that date were included. At that time, there were 80 names in the list of political prisoners.

The list was lastly updated in December 2015, for the third time, and the names of persons who were recently arrested and who are considered as political prisoners were included. According to the last update to the list, there are 93 political prisoners in Azerbaijan.²

These persons’ status as “political prisoners” has been determined in accordance with the criteria established in the Resolution No 1900 of the PACE, dated 3 October 2012.

During compilation of this Report, consultations have been carried out with several 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, and court judgments and other relevant legal documents have been analyzed; meetings and interviews were held with the lawyers, families and defense committees of the political prisoners included in this Report

The Report reflects detailed information about each political prisoner, including the facts and circumstances of 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).

¹ <http://bit.ly/P8Z2Qy>

² <http://bit.ly/1piq992>

Cases included in the report are divided into seven categories:

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

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

SIGNATORIES AND ACKNOWLEDGEMENT

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A. JOURNALISTS AND BLOGGERS

1. Abdul Abdulmanaf oglu Abilov

Date of arrest: 22 November 2013

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

Place of detention: Prison No. 13



Case background: Abilov was the administrator of a popular Facebook page, “Yaltaqlara Dur Deyək” (“Let’s say no to sycophants”), as well as other critical pages on social media networks. Abilov created another Facebook page on election fraud after the 9 October 2013 presidential election and managed it until his arrest. On this page, he widely disseminated photos and videos showing election fraud. The social network activist was arrested on 22 November 2013 by employees of the Main Department to Combat Organized Crime and was taken to the mentioned Department. He was sentenced to three months of pre-trial detention the following day, 23 November, by the Narimanov District Court. Although he should have been taken to investigative prison after the sentence that was issued, Abilov was instead taken back to the police station, where he was unlawfully held until 27 November. On 29 November, Baku Court of Appeals Judge Hasan Ahmadov upheld the pre-trial detention sentence.

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

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

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

2. Nijat Nazim oglu Aliyev

Date of arrest: 21 May 2012

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



Place of detention: Prison No. 2

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

The journalist was first charged with possession of drugs. Eight months after his arrest, on 26 January 2013, three more grave charges were brought against Aliyev. This happened only two days after PACE voted against a resolution on the situation of political prisoners in Azerbaijan.

On 9 December 2013, Baku Court of Grave Crimes sentenced Aliyev to 10 years in prison, the full sentence requested by the prosecutor.

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

Nonetheless, Aliyev was found guilty of the charges. A book titled "Möcüzəsiz möcüzə" ("Miracle without miracle") written by Arshad Azimzada, which was taken from the journalist's house and is claimed to propagate religious extremism, speaks about fasting. The book has been published in Azerbaijan and is not banned. However, the investigation released an opinion against the journalist stating that the book had been imported and

reflects calls for religious extremism. During the presentation of the investigation's findings, and while the expert was answering questions, it became clear that the opinion had been ordered. Although the journalist himself, and his lawyer Yalchin Imanov, stated in the trials that Aliyev was tortured by police and sustained serious injuries at the time of arrest, these claims were not investigated. Abilov is married. He was arrested 23 days after his wedding. Amnesty International described the charges against the journalist as questionable.³

3. Parviz Kamran oglu Hashimli

Date of arrest: 17 September 2013

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



Place of detention: Prison No. 13

Case background: Hashimli, an employee of *Bizim yol* newspaper and the news website www.moderator.az, as well as the head of the human rights NGO the Center for the Protection of Political and Civil Rights, was detained on the evening of 17 September 2013 by employees of the Ministry of National Security (MNS). His house was searched, as well as the office of *Bizim Yol* newspaper. After the offices were searched, Hashimli's computer and other property were confiscated. The MNS said that arms and ammunition were found in Hashimli's home. The official statement released by the MNS stated, "Hashimli, in collaboration with another defendant, Tavakkul Gurbanov, smuggled a huge amount of arms and ammunition, they had bought from Iranian citizen for sale, from Iran to Azerbaijan, overpassing customs control, and illegally carried and stored these arms and ammunition."⁴

On 18 September 2013, the Sabail District Court sentenced Hashimli to two months of pre-trial detention. Hashimli was publicly brought to the courthouse with a bag on his head. During the trial, Hashimli stated that he suffered an injury to his foot as a result of harsh treatment at the time of his arrest.⁵ He added that he had also been threatened with torture by the MNS. On the day of Hashimli's arrest, a number of MNS officers searched his house. Although his five-year-old daughter and pregnant wife were in the house, the Even though they had a search warrant, the officers first attempted to use windows to enter

³ <http://bit.ly/P8Z9vo>

⁴ Ministry of National Security (MNS), official statement on the arrest of Parviz Kamran oglu Hashimli. Hashimli's case was submitted to the Baku Court of Grave Crimes in February 2014. Novruz Karimov, a former investigator at the MNS, has been assigned as the judge who will consider the case. *With the decision of this judge dated 15 May 2014, Hashimli was sentenced to eight years imprisonment.*

⁵ Hashimli has been recognized by Amnesty International as a prisoner of conscience.

the house instead of just knocking on the door. When it turned out that there were safety cameras operating in the courtyard and inside the apartment, the officers broke the cameras. Although Hashimli's wife called on the officers to invite their neighbors, as well as the journalists who had come to the house during the search, she was ignored. Immediately after the doors opened upon conclusion of the search, Hashimli's wife told the journalists and human rights defenders present that arms and ammunition had been deliberately planted in their apartment.

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

4. Ismayilova Khadija Rovshan qizi

Date of detention: 05 December 2014

Charges: Articles 125 (inciting to suicide), 179.3.2 (misappropriation and peculation, when committed in large amounts), 192.2.2 (illegal entrepreneurship), 213.1 (tax evasion) and 308.2 (abuse of official authority) of the Criminal Code.



Place of detention: Baku (Kurdakhani) Pre-trial Detention Facility

Brief information on the case: Khadija Ismayilova is a journalist and has worked with various media outlets for nearly 20 years. She used to be the head of Baku office of the Radio Liberty and then, has been working as the presenter of a public-political program of the Radio. In 2001, she was awarded "Zardabi" prize of the Azerbaijani Union of Journalists for her articles. In February 2012, she received "Gerd Buserius" award and in October of the same year, "Heroism in Journalism" award. Khadija Ismayilova has written articles on political and economic topics in various media outlets, such as, "Ekho", "Caspian Business News", "Eurasinaet.org", "Washington Times", "BBC", "Deutsche Welle" and "Voice of America".

Moreover, she has authored several investigative articles about secret business deals and activities of President Ilham Aliyev of Azerbaijan, his family members, as well as, other high-ranking government officials.

Khadija Ismayilova's arrest was related with the investigation of Tural Mustafayev's suicide attempt. Mustafayev Tural Bulud oglu, born 1984, attempted a suicide by swallowing drugs called "medicine for mice". However, Tural Mustafayev publicized video statements several times and declared that he has withdrawn his petition against Khadija Ismayilova, which he had written under duress by prosecutors. He noted that law enforcement and special service bodies pressured him to give testimony against Khadija Ismayilova.

Note: There have been other investigation activities and court cases related with Khadija Ismayilova. It was alleged that on 17 February 2014, she had disclosed on her *Facebook* page a document, possibly connected with functional activities of the Ministry of National Security (MNS). The document was about MNS's putting their agents in opposition parties. Khadija Ismayilova told that the document was passed to her in 2011 by a former officer of MNS Ramin Nagiyev, who currently lives in France. In accordance with Article 284.2 (disclosing state secret) of the Criminal Code, a criminal case concerning dissemination of that document was started by the Grave Crimes Investigation Department of the General Prosecutor's Office. During the process of investigation, Khadija Ismayilova was also banned to leave the country.

After her arrest, new charges were brought against her in accordance with Articles 179.3.2 (misappropriation and peculation, when committed in large amounts), 192.2.2 (illegal entrepreneurship), 213.1 (tax evasion) and 308.2 (abuse of official authority) of the Criminal Code.

Khadija Ismayilova and her lawyers refuse the charges brought against her and state that her arrest was politically motivated due to her above-mentioned journalistic activities.

In its hearing held on 1 September 2015 and chaired by Judge Ramella Allahverdiyeva, Baku Grave Crimes Court made a verdict on the case of Khadija Ismayilova. The Court declined the charge on Article 125 (Inciting to suicide) of the Criminal Code. However, the Court sustained the charges in accordance with Article 179.3.2 (Embezzlement in large amount), Article 192.2.2 (Illegal entrepreneurship), Article 213.1 (Evasion from significant amount of taxes or obligatory state social security fees) and Article 308.2 (Abuse of official powers – while causing grave consequences) of the Criminal Code, and imprisoned her for a total of 7 years and 6 months, with a prohibition to take any managerial post for 3 months. Baku Court of Appeals upheld this ruling of the first instance court.

5. Seymur Hazi Mashgul oglu

Date of detention: 29 August 2014

Charge: Article 221.3 of the Criminal Code (Hooliganism, when committed by applying objects used as arms)



Place of detention: Prison No. 17

Brief information on the case: Commentator of “Azadliq” newspaper, presenter of the “Azerbaijan Hour” program and member of the Presidium of the Azerbaijan Popular Front Party Seymur Hazi was detained on 29 August 2014.

In Jeyranbatan settlement near Baku, a person named Maharram Hasanov approached S. Hazi, asked him why he did not respond to his message in social media and attacked him without waiting for his answer. Then S. Hazi was detained by the policemen who came to the area shortly.

On 30 August 2014, Absheron District Court made a decision on 2-month pre-trial detention of S. Hazi.

On 29 January 2015, at the hearing of Absheron District Court chaired by Judge Shovkat Najafova, S. Hazi was sentenced to 5 years of imprisonment, while the other party, Maharram Hasanov, was sentenced for 6 months.

On 5 September 2015, Sumgayit Court of Appeals declined the appellate complaint of journalist Seymur Hazi about the decision of the first instance court.

During the court process, S.Hazi and his lawyers did not accept the charges brought against him, and stated that the charges were politically-motivated.

6. Araz Faiq oglu Guliyev

Date of arrest: 9 September 2012

Charge: Criminal Code Articles 228.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies (except for smooth bore hunting weapons and ammunition), or explosives); 233 Organiz actions promoting infringement of social order or actively participating in such actions); 283.1 (Actions directed to incite national, racial or religious hostility, humiliation of national advantage, as well as actions directed to restrict citizens’ rights, or establish the superiority of citizens on the basis of their national or racial



belonging, creeds committed publicly or with use of mass media); 315.2 (Resisting or using violence against a representative of authority); and 324 (Actions insulting the national flag or state emblem of the Azerbaijan Republic)

Place of detention: Prison No. 14

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

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

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

7. Hasanov Tofiq Khasay oglu



Date of detention: 12 October 2015

Charge: Article 234.4.3 of the Criminal Code (Illegal preparation, manufacturing, obtaining, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors in large amount)

Place of detention: Kurdakhani Pretrial Detention Facility

Brief information on the case: Poet Tofiq Hasanov was kidnaped and taken unknown on 12 October 2015, around 21:00. After 5 days, his relatives knew that he was being kept at the Kurdakhani Pre-trial Detention Facility. Chief of Department of the Press Service of the Ministry of Internal Affairs, Orkhan Mansurzade, told Azadliq Radiosu (RFE/RL) that Tofiq Hasanov was detained as a suspect in illegal selling of narcotics in large amount and a criminal case has been opened against him in accordance with Article 234.4.3 of the Criminal Code.

45 year-old Tofiq Hasanov lives in Lanakaran. He was a vendor at a shop. His mother Zarifa Jalalova told that, on the day he was detained, a narcotic addict came to the shop when T. Hasanov was about to close the shop and leave. According to the mother, his son took that person out of the shop and closed the shop. After this, he went to the marketplace in Lankaran, where some people stopped him and took him to the Lankaran District Police Department.

Zarifa Jalalova believes that her son was arrested because of his satirical poems. She said: “If there is freedom of expression, my son just said a word, wrote a poem. Why to arrest a person for this? Shame on those who arrested him. They slander my son.” People close to Tofiq Hasanov also share the view that he was arrested because of his satirical poems. In January 2015, the poet himself told Azadliq Radiosu (RFE/RL) that he was being threatened with arrest for his poems.

Tofiq Hasanov filmed his poems and published them on www.youtube.com and Facebook page.

8. Faraj Raqif oğlu Karimov

Date of Detention: July 23rd, 2014

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



Place of Detention: Prison No. 13

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

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

A few days before Karimov's arrest, his brother, Siraj Karimov, was arrested on the same charges. While searching the brother's house, a notebook belonging to their father was seized, and during a conversation with an investigator, Karimov's father was questioned regarding his views on opposition.

Faraj Karimov, who was held at the General Department for Combating Organized Crime Detention, had reported that he was had subjected to physical pressure and blackmail, and forced to testify. On May 6, 2015 F.Karimov was sentenced to 6.5 years of imprisonment by the Baku Serious Crimes.

A few days before Mr. Karimov's arrest, his brother Siraj Karimov was arrested on the same accusations. While searching his house the authorities took into their possession from

their parents a notebook belonging to his father. Also during the conversation the investigator had questioned Mr. Karimov's father about his mainly oppositional views

9. Hilal Alif oglu Mammadov

Date of arrest: 21 June 2012

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



Place of detention: Prison No. 17

Case background: Mammadov is the editor-in-chief of the *Tolishi Sado* newspaper, published in the Talysh language. He has also been involved in human rights defense work. Mammadov voiced critical opinions, both in newspapers and on social networking sites – particularly Facebook – about policies of the ruling authorities. Although Mammadov was initially charged with drug possession, he was later presented with more serious and unrelated charges.

Mammadov was sentenced to five years in jail under a decision issued by Baku Court of Grave Crimes on 27 September 2013. The Baku Court of Appeals Court upheld this decision on 25 December 2013.

Mammadov has been recognized by Amnesty International as a prisoner of conscience.⁶ His imprisonment under false charges and the necessity of his release was mentioned in the statement of the OSCE media freedom representative⁷ and in the report of the Council of Europe Commissioner for Human Rights⁸

⁶ <http://bit.ly/1gJG6nt>

⁷ <http://bit.ly/O5n8Lm>

⁸ <http://bit.ly/1gpkKdm>

10. Omar Elyar oglu Mammadov

Date of arrest: 24 January 2014

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



Place of detention: Prison No. 10

Case background: Mammadov, was an active user of social media networks, including Facebook, on which he co-founded and co-managed a satirical page called “AzTV-dən seçmələr” (“Selected samples from AzTV”). Mammadov was also a blogger⁹ and co-founder of the “Axin” (“Flow”) youth movement. Mammadov, 19, is a member of the opposition Citizens’ Solidarity Party as well.

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

In November 2013, when Abdul Abilov, administrator of the Facebook page “Yaltaglara dur deyak” (“Let’s Say No to Suck-Ups”), was arrested, police searched for Mammadov. When they discovered that he was not in Baku, his father was summoned to the Main Department Against

Organized Crime. Mammadov’s father was pressured in connection with his son’s Facebook activities. A phone call was placed to Mammadov in Cyprus, from his father’s phone, demanding that Mammadov leave the Facebook pages he ran. Mammadov was previously an active member of the N!DA civic movement, seven members of which are now in prison. Although he left N!DA as a result of pressure against him and his family, after his arrest he declared that he had returned to N!DA.

⁹ <http://bit.ly/1o7W7rs>

11. Rauf Habibulla oglu Mirkadirov

Date of arrest: 19 April 2014

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



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

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

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

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

The pre-trial detention of the journalist, and the charges against him, violate a number of legal provisions. Firstly, the prosecutor who carried out the criminal-procedural leadership on the case did not participate in the appeal hearing for changing the pre-trial detention

decision against the journalist. Instead, a different employee of the General Prosecutor's Office took part in the hearing. The prosecutor who carries out the criminal-procedural leadership for a case is required by law to participate in an appeals hearing, in order to justify their decision to arrest during the procedure.

Secondly, in order to issue pre-trial detention, the court must refer to the initial evidence presented by the investigative organ. This evidence is considered criminal case material, and according to legislation both the accused and their defenders have the right to access court materials. However, the court has not presented these materials to either Mirkadirov or his lawyers. Therefore, it was not possible to identify what the basis for this grave crime was, and what kind of initial evidence was there.

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

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

In its hearing held on 28 December and chaired by Judge Alisultan Osmanov, Baku Grave Crimes Court made a judgment on the case of Rauf Mirgadirov, journalist of Zerkalo newspaper. The Court found him guilty in “treason to the state” and sentenced him for 6 years in strict prison regime. R. Mirgadirov and his lawyers reiterated that this verdict was politically motivated.

12. Rashad Agaeddin oglu Ramazanov

Date of arrest: 9 May 2013

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



Place of detention: Prison №2

Case background: Ramazanov, a religious follower, used to actively post micro blogs on social media networks, particularly on Facebook¹⁰ in which he criticized high-ranking Azerbaijani officials, including President. He too was charged with drug possession. Following his arrest, Ramazanov was unlawfully held in the Ministry of Internal Affairs' Main

Department against Organized Crime for eleven days. After a number of challenges from local and international organizations, he was transferred to the investigative prison.

Well-known lawyer, Aslan Ismayilov, stated that Ramazanov was subject to torture and beatings in custody. Ismayilov's appeal to relevant agencies demanding an investigation into this matter yielded no results. On the contrary, Ismayilov was himself detained by police, who told him to stop making such statements, otherwise he would be punished. A short while later, Ismayilov was dismissed from the Bar of Lawyers. *Ramazanov was sentenced to nine years in jail by a decision of the Baku Court of Grave Crimes on 13 November 2013.* On 16 January 2014 the Baku Appeals Court and on 14 May 2014 the Supreme Court upheld this verdict. Ramazanov has been recognized as a prisoner of conscience by Amnesty International.¹¹

¹⁰ <https://www.facebook.com/HAQQINqulu777>

¹¹ <http://bit.ly/1jYMJQI>

13. Tofiq Rashid oğlu Yagublu

Date of arrest: 4 February 2013

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



Place of detention: Prison No. 13

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

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

Yagublu was arrested following his visit to Ismayilli. On 26 January, most of Azerbaijan's television stations violated his right to presumption of innocence by reporting that the Ismayilli incidents were triggered by Yagublu and the Chairman of the Republican Alternative (REAL) Movement, İlgar Mammadov. The media only quoted the official statement released by the

Prosecutor General's Office and the Ministry of Internal Affairs. The broadcasts described Yagublu as a criminal.

On 29 January, Yagublu was summoned to the Grave Crimes Investigation Department of the Prosecutor General's Office. He was released after being questioned about his Ismayilli visit.

When he was summoned to the Investigation Department again on 4 February, Yagublu was sentenced to two months of pre-trial detention. This arrest is still going on. Yagublu's visit to Ismayilli was conducted under his journalistic credentials, issued by *Yeni Musavat* newspaper. After observing events in the city center with other journalists, he was held by police and taken to the Ismayilli Regional Police Office, where he had a brief conversation with Deputy Police Chief Shohrat Karimov. Upon his release, Yagublu left the region accompanied by police officers. The pictures taken by journalists that day clearly show Yagublu standing in the city center when police detained him, with no violent protests taking place. During the trial, the investigation failed to prove that Yagublu met with İlgar

Mammadov – who also faced the same charge – to plan a crime before or during the Ismayilli visit.

Ismayilli residents who were accused in connection to the protests, stated in the trial that they did not know Yagublu. The alleged victims in the criminal case stated in their testimony that they had neither material nor moral claims against the defendants. ***Yagublu was sentenced to five years imprisonment by the decision of the Sheki Grave Crimes Court on 17 March, 2014.***

Yagublu has been recognized by Amnesty international as a prisoner of conscience. The report of the Council of Europe Human Rights Commissioner notes that the charge brought against the journalist is not convincing.¹² An appeal has been filed with the European Court of Human Rights regarding Yagublu's arrest.¹³

On 5 November 2015, the European Court of Human Rights adopted a judgment on the case of Tofiq Yagublu. Based on Article 5, Paragraph 1 of the European Convention, the Court made a decision on immediate release of Tofiq Yagublu from prison and payment of EUR 24,000 compensation to him.

¹² <http://bit.ly/1gJG6nt>

¹³ <http://bit.ly/1gpkKdm>

B. HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY ACTIVISTS

a. Case of the Election Monitoring and Democracy Studies Centre

EMDS, together with the Volunteers' International Cooperation Public Union (VICPU), publicized a preliminary opinion¹⁴ on 7 October 2013 regarding the conduct of the 9 October 2013 presidential election. The opinion held that Azerbaijan lacked a pre-election environment that enabled free and fair elections, and noted that the voting process was accompanied by serious legal violations. The OSCE Office for Democratic Institutions and Human Rights used the EMDS report, in addition to information from its own observers, in compiling its own critical report about the election.

After EMDS publicized its report, on 31 October 2013, the Grave Crimes Investigation

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

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

14. Anar Asaf oglu Mammadli

Date of arrest: 16 December 2013

Charge: Criminal Code Articles 179.3.2 (Assignment or waste, through plunder of property entrusted to the guilty party by another person, in a large amount); 192.2.2 (Illegal business committed through derivation of income in a large amount); 213.1 (Evasion of the payment of taxes or obligatory state social insurance payments in a large amount); 308.2 (Abuse of power committed with the intent of affecting the results of an election or



¹⁴http://www.epde.org/tl_files/EPDE/EPDE%20PRESS%20RELEASES/EMDS_ICV_2%20Interim%20Rep_2013_AZ.pdf

referendum); and 313 (Service forgery, that is submission by an official person of official documents containing clearly false data, or amending such documents to invalidate their contents, committed as a mercenary or through other personal interest)

Place of detention: Prison No.13

Case background: Mammadli, the head of the Election Monitoring and Democracy Studies Center Public Union (EMDS), is a well-known human rights defender and expert on elections and political freedoms in Azerbaijan. As a result of criminal case on EMDC Mammadli was unable to attend several international events as planned, including the European Union Eastern Partnership Summit in Vilnius this past November.

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

Immediately upon Mammadli's arrest, Amnesty International recognized him as a prisoner of conscience.¹⁵ Several other international organizations and experts, including the PACE co-rapporteurs for Azerbaijan, expressed concern over Mammadli's arrest and underscored the necessity of his release.¹⁶

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

¹⁵ <http://bit.ly/1fCF7kn>

¹⁶ <http://bit.ly/1hKTcPl>

b. Other cases

15. Aliabbas Fakhraddin oğlu Rustamov

Date of Detention: June 28, 2014

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



Place of Detention: Baku Detention Facility (Kurdakhani Prison)

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

Prior to his arrest, Rustamov petitioned to become a counsel at the court proceeding on tax evasion charges of prisoner of conscience, Anar Mammadov (head of EMDS). Though Rustamov is a prominent attorney within this legal sphere, difficulties created in the administrative process prevented him from participating in Anar Mammadov's defense.

Mammadov had to sign his agreement to be represented by Aliabbas Rustamov in the presence of a notary public, but the prison where he is detained did not afford him such ability.

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

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

"On the day of his arrest, Aliabbas Rustamov called me and told me that he is being

¹⁷ Text of the plea: <http://www.azadliq.info/xeberler-menu/311-son-xbrlr/42734-vkildn-lham-liyev-ok-mueracit.html>

accused of taking bribes. He considers his arrest to be ordered and in connection with his letter to the president” - Vidadi Mammadov, Reporter for *Azadliq*.¹⁸

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

On 6 November 2015, the court hearing on the case of Aliabbas Rustamov has been completed at Baku Grave Crimes Court. At the hearing chaired by Judge Rahib Salmanov, the Court sentenced Aliabbas Rustamov for 7 years.

¹⁸ http://www.bbc.co.uk/azeri/azerbaijan/2014/06/140630_aliabbas_rustamov_arrest.shtml

16. Rasul Agahasan oğlu Jafarov

Date of Detention: 2 August 2014

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



Place of Detention: Prison No.13

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

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

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

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

Rasul Jafarov does not accept any of the charges filed against him and considers his arrest to be due to his human rights activities. International and local human rights organizations consider arrest to be politically motivated. Amnesty International, has declared him a prisoner of conscience.

On April 16 , Rasul Jafarov was sentenced to 6 years 6 months in prison and faced a 3-year ban from holding certain positions by the Baku Grave Crimes Court

In its hearing held on 31 July 2015 and chaired by Judge Hasan Ahmadov, Baku Court of Appeals amended a part of the judgment of the first instance court on Rasul Jafarov's case and reduced his imprisonment term 3 months.

Rasul Jafarov and his lawyers called the verdict unreasonable and Rasul was charged with politically motivated.

17. Intiqam Kamil oğlu Aliyev

Date of Detention: 8 August 2014

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



Place of Detention: Prison No.6

Case background: Head of the public interest association, Legal Education Society, Intiqam Aliyev has been involved in human rights advocacy for nearly 20 years. As a lawyer, he has filed over 300 complaints with the European Court of Human Rights. Of these, 23 cases have been successfully completed. Aliyev has taught courses on civics, civil procedure, non-commercial law, and international mechanisms of human rights at local universities. He is an expert on the legal and human rights issues of many international organizations (OSCE, Council of Europe, GTZ, etc.) and has authored over twenty books. On 4 March 2013, he was given an award by People in Need, a human rights organization. Aliyev, his lawyers, and human rights activists do not accept the charges against him, consider them be politically motivated, and link his arrest to his human rights activities. Aliyev has sent more than 40 complaints to the European Court of Human Rights in connection with the parliamentary elections of 2010; currently there are communications taking place with the government regarding the same complaints. Aliyev's arrest serves the purpose of preventing the European Court from issuing a decision against Azerbaijan. According to Intigam Aliyev's statement from prison, the prosecutor's office has confiscated folders with documents regarding those cases, although, the charges against him had nothing to do with the cases he has sent to ECtHR. Authorities believed that imprisoning Aliyev was not enough to prevent the files from

making their way to the European Court, or being used by complainants against the government. (According to the procedural rules of the European Court, it is possible to remove a case from consideration due to lack of interest by the complainants.) In addition to cases concerning the election, Aliyev, has also submitted complaints to the European Court concerning violation of property rights, freedom of expression, and the right to assembly. The Investigative Unit has also illegally seized the files concerning those cases. It should also be noted that, to date, the majority of the decisions issued by the European Court against the Azerbaijani government, have been in cases litigated by Aliyev. All this gives way to the assertion that the primary reason for Aliyev's arrest has to do with the complaints filed by him with the European Court.

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

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

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

On April 22, Intigam Aliyev was sentenced to 7 years and 6 months in prison and a 3-year ban from holding certain positions and engaging in certain activities by the Baku Grave Crimes Court. Court did not grant Intigam Aliyev and his lawyer's motions and the court justice did not establish atmosphere for fair trial and principle of contentiousness

18. Khasmammadov Taleh Vidadi oglu

Arrest date: 24 February 2015

Charges: Article 221.2 (hooliganism, repeatedly committed)

Detention facility: Prison No.17



Fabulae/Brief reference: Prior to the arrest, Khasmammadov, who resided in Goychay city, actively engaged in human rights defense activity in the region. He criticized the corruption and other illegal offences of local executive authorities, and he feed with information/send materials on these issues to the media.

On the date of his arrest, in early hours while he was entering furniture store near the Goychay bazar (central grand market), one person came close to him, spit on his face, then fell to the ground and pretended as lied senseless. On the instant, the police officers just standing there arrested Khasmammadov. In the Goychay Regional Court, he was sentenced to three-months of pre-trial detention on criminal hooliganism charges.

The local activists succeeded to identify the person who performed the provocation against T. Khasmammadov. This was Zahir Azizov, who actively engaged in close collaboration with police as a fake witness. Until the present, he was seen as a witness in some 10 other cases.

First time, Khasmammadov had been arrested in November 2011 with criminal charges of hooliganism and resistance to police. The Goychay Regional Court had sentenced him to 4 years in prison. About a year later, he was released upon the pardoning decreer of the President. At that time, Amnesty International had recognized Khasmammadov as “prison of conscience”.

On 22 July 2015, by the decision of Goychay District Court, human rights activist was sentenced for 3 years in strict prison regime.

C. YOUTH ACTIVISTS

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

Brief Background on the “N!DA” movement

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

N!DA civic movement include the following:

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

N!DA is not associated with any political party, and its main objective is to achieve democratic change through peaceful means.¹⁹ It has organized various actions, such as flash mob protests.

The movement’s board members have been represented in the opposition coalition, the National Council, and N!DA members actively supported the campaign of Jamil Hasanli, the united opposition candidate.

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

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

In protest of the deaths of young soldiers of the National Army during non-combat operations, young activists and the parents of the soldiers gathered on 12 and 26 January 2013 in central Baku. The police used excessive force to disperse the crowd, and hundreds

¹⁹ <http://bit.ly/1f0le9w>

of protesters were arrested. Most were sentenced to administrative detention or received high fines. These mass protests and the repression against the protesters drew much attention within the country and from the international community. However, despite the successful mobilization efforts, deaths of soldiers in non-combat situations continued.

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

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

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

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

Despite these arrests and the broadcasts, hundreds of people, including other activists of

the N!DA civic movement, joined the peaceful protest on 10 March 2013, which was dispersed through the use of excessive force by police.

The protest was followed by the arrests of board members of the movement. Board members Rashad Hasanov, Rashadat Akhundov, and Uzeyir Mammadli, as well as N!DA activist Zaur Gurbanli, were arrested in April 2013. The youth were first charged with illegal possession of explosives and drugs. Six months after their arrest, in September 2013, another charge was brought against them: organizing or taking part in mass unrest. When the new charge was introduced, Anayat Akhundov, the 74 year-old grandfather of Rashadat Akhundov, committed suicide by slashing his wrists. He passed away several days later in the hospital²⁰.

The pre-trial sentences for Hasanov, Akhundov, Mammadli, and Gurbanli did not change until the start of the trial, which began on 6 November 2013, and was in the appeal stage at the time of publication. All of the detained N!DA members have been declared by Amnesty International as prisoners of conscience.²¹

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

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

Bakhtiyar Guliyev , Shahin Novruzlu, Uzeyir Mammadli and Zaur Gurbanli were released under the president's pardon decree issued .

19. Rashadat Fikrat oglu Akhundov

Date of arrest: 30 March 2013

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



²⁰ <http://bit.ly/1pBvQNz>

²¹ <http://bit.ly/1gJG6nt>

Place of detention: Prison No. 10

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

20. Mammad Rasim oglu Azizov

Date of arrest: 7 March 2013

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



Place of detention: Prison No. 2

Background: Azizov received his secondary education in Sheki, Azerbaijan. From 2010 until his arrest, he was studying sociology at the Sociology and Psychology Faculty of Baku State University. He joined the N!DA movement in summer 2012. Azizov was active on social networking sites, the co-founder and administrator of the “Page named after Heydar Aliyev,” a popular satirical Facebook page. On 11 January, a day before the “No soldiers’ deaths” mass action, Azizov was detained by police and was subject to inhumane treatment at Police Station No 9.

21. Rashad Zeynalabdin oglu Hasanov

Date of arrest: 14 March 2013

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



Place of detention: Prison No. 6

Background: Hasanov received his secondary education at the Lankaran Private Turkish Lyceum, and his higher education at the Middle East Technical University. He was actively involved in the election campaign of young parliamentary candidate Bakhtiyar Hajiyev in the 2010 parliamentary elections. Hasanov was one of the co-founders of the

Positive Change Youth Movement in 2010. From March 2011 to May 2012, he served on the board of the Youth Rights Defense Committee (YRDC), a coalition of nine organizations. He headed the property rights sub-committee of the YRDC for five months. In 2011, along with Zohrab Ismayil, the head of the Public Union for Assistance to Free Economy, Hasanov prepared a report titled “Map and statistics of property rights violation in Baku,” with support from the British Embassy in Azerbaijan. Hasanov was one of the organizers and active participants of the first sanctioned meeting on 17 March 2012. In May 2012, leaving the Positive Change Youth Movement, Hasanov joined N!DA in order to reach a wider audience. In September 2012, he was elected as a board member of the N!DA civic movement. Hasanov is a co-founder of the Youth Assembly, founded in November 2012, with a membership of about 50 active youths.

22. Ilkin Bakir oglu Rustamzada

Date of arrest: 17 May 2013

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



Place of detention: Prison No. 13

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

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

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

D.

OPPOSITION POLITICIANS AND ACTIVISTS

23. Ilgar Eldar oglu Mammadov

Date of arrest: 4 February 2013

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



Place of detention: Prison No.2

Case background: Ilgar Mammadov has been engaged in political activities since the restoration of Azerbaijan's independence in the early 1990s. About ten years ago, he launched the first-ever political blog in Azerbaijan. Mammadov is the Director of the Baku School of Political Studies of the Council of Europe, as well as an advisory member of the German Marshall Fund and Revenue Watch.²²

Mammadov is also the Chairman of the Republican Alternative (REAL) movement, which was established in 2009 and has become known as a new generation political force in recent years.

The movement's main objectives are to transition to a parliamentary republic and restore republican traditions in Azerbaijan; to build an effective government; and to guarantee rights and freedoms to all Azerbaijanis. Since its establishment, REAL has proposed alternative programs in addition to criticizing current government policies and those implementing these policies, including President Aliyev.

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

On 1 March 2012, Mammadov visited the city of Guba to observe mass protests taking place against the local executive head of the region. He criticized the authorities for mismanagement and corruption leading to these protests. In November 2012, Mammadov criticized parliament's ineffective operations, saying that it was comprised of MPs who had gained their seats through rigged elections. He described the parliament as a zoo. As a result, MP Adil Aliyev, who is connected to the ruling authorities, voiced a threat, saying

²² <http://bit.ly/1fsL2aR>

in an interview that those who spoke like this needed to be beheaded. Ruling party MP Hadi Rajabli, the head of Parliament's Committee on Social Policy, stated that an appeal for Mammadov's arrest was ready to be submitted to the court, and that MPs continued to sign the appeal. No appeal was ever submitted.

On 19 January 2013, workers at the Bina Trade Center in Baku held a protest, calling for social change, which resulted in a confrontation with the police. Mammadov visited the scene of the protest, met with protesters, and learned of their demands. Both on his blog, and in interviews with the media, Mammadov voiced support for the protesters, stating that their demands were justified. He openly blamed the authorities for not being interested in preventing corruption.

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

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

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

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

The Ismayilli residents blamed for the incidents said they did not know Mammadov. Two

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

Amnesty International described Mammadov's arrest as a "politically motivated prosecution,"²³ and recognizes him as a prisoner of conscience.²⁴ The PACE co-rapporteurs for Azerbaijan expressed concern over Mammadov's arrest and visited him in detention while they were in Baku. The Council of Europe Commissioner for Human Rights underscored the necessity of Mammadov's release in a report.²⁵ The European Parliament passed two resolutions calling for Mammadov's immediate and unconditional release.

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

²³ <http://bit.ly/QnDAbl>

²⁴ <http://bit.ly/1gJG6nt>

²⁵ <http://bit.ly/1gpkKdm>

24. Yadigar Sadig oglu Sadigov

Date of arrest: 27 June 2013

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

Place of detention: Prison No. 14



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

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

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

In his testimony, the owner of the teahouse stated that he did not fully witness the incident, only the complainant when he came to the teahouse later with police. The owner added that he did not see any injuries to alleged victim's face.

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

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

25. Fuad Gahramanli

Date of arrest: December 8, 2015

Charge: Articles 281.1 (calls for violent seizure of power and the overthrow of the constitutional order) and 283.2.1 (inciting national, racial and religious hatred or enmity) of the Criminal Code.



Place of detention: Prison № 1 in Baku (Kurdaxani)

Background of the case: The deputy chairman of the opposition Popular Front Party of Azerbaijan Fuad Gahramanli December 8, 2015, was summoned to the Prosecutor General for serious crimes investigation department, he demanded an official invitation but he was forced to leave his home. Fuad Gahramanli was detained in his apartment and taken to the Investigation Department for Serious Crimes of the Prosecutor General's Office. His house was searched and his computer was seized. Gahramanli taken to Nasimi District Court and on the same day he was sentenced to 3 months imprisonment. According to the indictment, his posts on Facebook subject to the articles 281 (calls for violent seizure of power and the overthrow of the constitutional order) and 283 (inciting national, racial and religious hatred or enmity) of the Criminal Code. Those posts were written about 10 days before his arrest, his posts did not cause a significant reaction either in social media and in society.

Fuad Gahramanli charged under the Criminal Code 281.1. Despite judicial restraint, choosing the path of unprecedented lawlessness referred to in Article 281.2 of the more serious charge.

The lawyer Fakhraddin Mehdiyev noted that the accusation of Gahramanli has no legal basis because the publications of opposition contained a criticism of individual officials and political analysis. Immediately after the incident, lawyer Khalid Bagirov noted that Gahramanli be regarded as political prisoner.

Earlier, 9 members of PFFPA were arrested for political reasons. Before his arrest, Fuad Gahramanli told the press that he was threatened

26. Mammad Ibrahim Aziz ogli

Date of arrest : September 30, 2015.

Charge: Initially, Article 221.1 (hooliganism) of the Criminal Code, and later article 221.2.2 (criminal liability for committing hooliganism with resisting person providing public order).



Place of detention: prison #3 in Shuvelan (Baku)

Background of the case: : M. Ibrahim, advisor to the chairman of an opposition Azerbaijan Popular Front Party (PFPA). At the same time, he took an active part in the social network Facebook and criticized the government. Mammad Ibrahim was detained as a suspect on 30 September 2015 in the Narimanov District Police Department of Baku under Article 221.1 (hooliganism) of the Criminal Code. October 1, 2015, he was charged under the same article. On October 3 the Narimanov District Court arrested him for 2 months.

The reason for his arrest was the complaint of Mikail Guliyev who, together with former deputy chairman of the Popular Front Party Razi Nurullayev left the party . The reason for attracting M.Ibrahim to criminal liability was the complaint from Mikail Guliyev, who left the party along with the former PFPA Deputy Chairman Razi Nurullayev. During the conflict between Ibrahim and Guliyev on September 29, the latter had his shirt torn. The PFPA believes that a provocation is committed against Ibrahim to discredit and weaken the party.

November 10, 2015, against M.Ibrahim was new charge in prison #3 in Shuvalan, article 221.2.2 (criminal liability for committing hooliganism with resisting person providing public order) of the Criminal Code. Prior to that, the reason for attraction of Ibrahim to criminal liability was the complaint of the former party member Mikail Guliyev. Initially, Ibrahim was charged under article 221.1 (hooliganism) of the Criminal Code, which provides for imprisonment up to 1 year as maximum penalty. However, the investigation retroactively found two more "victims", changing the charge into Article 221.2.2 stipulating from 3 to 5 years of imprisonment.

Those two men, Oruj Valiyev and Mahammad Gurbanov , claimed that during the incident between Mikail Guliyev and Mammad Ibrahim, they allegedly tried to separate them. But Ibrahim made physical violence against them, and violated public order.

During the confrontation of those two men to Advisor to the Chairman of the Popular Front Party M.Ibrahim, he said that he did not know them, and for the first time saw the two men.

According to the lawyer of M.Ibrahim, Yalchin Imanov, Ibrahim said that the new charges were false and that he wrote his comments in the report. The lawyer also claimed that the new charges were filed in order to justify the arrest and to increase the sentence.

"Deed under Article 221.1 of the Criminal Code, the crime is not considered a threat to public danger, and is punishable by imprisonment for a maximum of one year. It is clear that they can not keep for a long time in prison M. Abraham on this article. Thus, new charges were brought. But still, it is obvious that these accusations are false, "- said Yalcin Imanov.

27. Yusifov Asif Gambar oglu

Date of detention: 25.12.2014

The charge: 178 of the Criminal Code (fraud), 320.1 (falsification of official documents substances).

Place of detention: Prison No. 6



A summary of the case: Advisor to the Head of the Azerbaijan Popular Front Party, a member of the Presidium of the Supreme Assembly of the party, invalid of the Karabakh war.

The day of arrest A.Yusifov together with the party chairman of Narimanov branch Haji Abbasli in his car went to the office, on the way back, Haji Abbasli stepped out to buy cigarettes, when he came back Asif Yusifov was not in the car. It was later revealed that Asif Yusifli was detained by officers of the Chief Department of the Ministry of Interior to fight organized crime and by decision of Narimanov District Court Asif Yusifli was arrested for 4 months.

According to the report of the Ministry of Internal Affairs, he took the money by fraud in the amount of 7.700 manat from citizen Zulfugarova Farida. Asif Yusifov was charged with fraud and attested.

In spite of A.Yusifov is Karabakh war disabled veteran and of serious injuries in a car accident, he actively participated in the mass protests. Asif Yusifov, and his lawyer and the party believes his arrest was politically motivated.

According to research conducted by the working group, the real reason for the arrest of Asif Yusifov is not Interior Ministry statement, and his arrest on the issue is related to political activities.

July 31, 2015, member of the Presidium of PFPA, Karabakh disabled veteran Asif Yusifli ended. The court sentenced him to 7.5 years in prison.

28. Khudabakhshiyev Gadir Nadir oglu



Date of detention: February 11, 2015

The charge: 228.1 (illegal firearms, component parts, ammunition (smooth-bore hunting weapon and ammunition to fire excluded), explosives, acquisition, transfer, sale, storage, transportation or carrying of firearms) Article .

Place of detention: Prison No. 5

A summary of the case: Gadir Khudabakhshiyev was born on January 28, 1972 in the city of Agdam, after the occupation of Agdam by Armenia he and his family settled as refugees in Mingachevir. He is Karabakh war veteran, disabled person of the second group.

Residence address before arrest: Mingachevir city, the settlement of New Life, home, B103.

February 11, 2015, the Department of the Ministry of Interior to fight organized crime and Mingachevir city police department as a result of joint work he was arrested in a cafe, located at number 17 on the Vagif street, Mingachevir, and during the search allegedly were found on him "TT" pistol and bullet cartridge. But, according to the survey, the Working Group considers that charges against Mr. Hudabakhshiyev are baseless and politically motivated. Before his arrest, he was warned several times for his political activities in Mingachevir Police Department. According to his family members he did not have any weapons and ammunition.

Since 1991, member of the Popular Front. Unemployed. He is married and has three school-age children - 10, 13 and 15-year-old daughters, his wife Gulkhanim Hasanova also a disabled person of the second group.

October 14, 2015, during the court hearing in the Mingechevir City Court under the chairmanship of the judge Hussein Mirzayev, prosecutor asked to imprison Gadir Khudabakhshiyev to 3 years, then the judge sentenced him to 1.5 years in prison

29. Abdullayev Elvin Reshadat oglu

Date of detention : January 08, 2015.

The charge: of the Criminal Code Article 234.3 və 234.4 (drug trafficking on a large scale)

Place of detention: the Baku Detention Facility (Kurdakhani Prison)



Brief background on the case: a student of Baku State University (2 higher education), member of Azerbaijan Popular Front Party (PFPA)

On January 8, 2015 after passing his exam, E.Abdullayev was arrested and allegedly seized heroin in the amount of 3 grams. Then he wrote in his Facebook profile that he was arrested. But his family was not officially informed about his arrest and where he was held within two days.

Elvin Abdullayev was detained for two days Narimanov district police detention center.

PFPA and mother of the young activist do not doubt that he has been arrested just for being a member of PPFA and his activity in social networks. His mother Zulfiyya Abdullayeva said : "My son, an activist of the Popular Front Party and the Facebook activist. He was slandered, his arrest was politically motivated, and pre -fabricated."

Elvin Abdullayev was sentenced to 4 months in prison by Xataii District Court on January 10th 2015.

June 1, 2015 in Baku in the Baku Serious Crime Court presided over by Judge Fikret Garibov, Elvin Abdullayev was sentenced to 6 years in prison. The Baku Court of Appeal upheld the verdict.

30. Bagirzade Zeynalabdin Bagir ogli

Date of arrest: November 17, 2015.

Charge: Article 315 of the Criminal Code (resistance or application of violence concerning the representative of authority)



Place of detention: Temporary detention center in the village Boyukduz, Kangarli region, Nakhchivan Autonomous Republic

Brief background of the case: November 14, five local employees of the State Social Protection Fund (SSPF) of Babek region of Nakhchivan Autonomous Republic went to the Nehram village, address where lived the opposition party, the Popular Front Party of Azerbaijan (PFPA) activist Bagirzadeh Zeynalabdin and asked his wife to pay social

inshurans. His wife said that Bagirzade was not at home, when he came she would tell him. After that, employees of SSPF insulted his wife in the presence of neighbor .

On hearing this, Bagirzade met with the employees of SSPF and asked them why they did so. But employees of the Fund previously insulted his wife also insulted him. Bagirzade filed a complaint on the matter to the district prosecutor's office. The man who had insulted him and his wife also filed a complaint to the prosecutor's office. November 16, Bagirzade was summoned to the prosecutor's office. He was denied making his complaint, and he was held there until the evening. Bagirzade was tortured in the prosecutor's office and he was sentenced to prison as a suspect.

On November 18, Babak District Court presided over the judge Sakhavat Beylerly Z.Bagirzadə charged of resisting an official (Article 315.1 of the Criminal Code) sentenced to 3 months in prison.

Bagirzade's brother, head of the regional organization of the PFFA Bagirsoy Yashar said that the name of one of those who came to the house of Bagirzade was Faig Ismayilov . One of the attackers was also Faig Ismayilov, said Yashar Bagirsoy. He also said that Bagirzade did not engage in any business activity. In particular, he did not cultivate the land, because the village was not supplied with water.

Bagirsoy Yashar said that the trial of his brother, was carried out without their knowledge, in fact, secretly. He believes that the reason for this could be that the signs of torture on the body of his brother still remained. They did not want the members of the family of Bagirzade saw him in this condition. In addition, those who have witnessed insults and beating of Bagirzade had not been questioned, and they were not taken testimony during the investigation.

31. Mahmudov Nazim Azim ogli

Date of arrest: November 15, 2015

Charge: Article 315 of Criminal Code (Resistance or application of violence against a government representative)

Place of detention: Temporary detention center in the village Boyukduz, Kangarli region, Nakhchivan Autonomous Republic

Brief background of the case: The activist of the opposition the Popular Front Party of Azerbaijan (PFFA) Nazim Mahmudov on November 15, was detained by police officers Sederek District Police Department. According to relatives, he was detained for three days and was subjected to torture in the basement of the Ministry of Internal Affairs of Nakhchivan.

Nazim Mahmudov was taken to the Sederek District Police Department on November,20. Nazim Mahmudov, charged under Article 315 of the Criminal Code. The same day

Sederek District Court under the chairmanship of Zulfugar Ahmedov sentenced Mahmudov to 3 months imprisonment.

Chairman of Nakhchivan branch of the Popular Front Party Yashar Bgirsoy said that the arrest of Nazim Mahmudov was politically motivated and connected with their political activities.

E.

RELIGIOUS ACTIVISTS

a. Case of Said Dadashbayli and Those Arrested with Him

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

From January 13 to January 18, 2007 approximately 30 people were arrested in the Said Dadashbayli case with trumped up charges on plotting terrorist attacks and espionage for Iran. (Details about their specific charges are listed below.) Some were released, but only after testifying against the eleven defendants that were held at the Ministry of National Security detention facility.

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

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

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

Court sessions were closed to the public as well as the families of the accused. According to Provision 200 of the Code of Criminal Procedure of Azerbaijan Republic, court sessions

can be conducted closed to the public in order to prevent leaks of state secrets. But there was no sensitive information in this case, and no legal standing for closed court proceedings.

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

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

- a) The charges against them were political in nature.
- b) The arrests and the case were aimed at strengthening the Azerbaijani government's image

as combating terrorism and threats against Western countries and Israel; President Aliyev received appraisal from high-level US officials for eliminating Dadashbeyli's group.²⁶

32. Said Alakbar oglu Dadashbayli

Date of arrest: 15 January 2007

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



²⁶ https://search.wikileaks.org/plusd/cables/08BAKU383_a.htm

state, rendering assistance to a foreign state, foreign organization or their representatives resulting in hostile activity against the Azerbaijan Republic); 278 (actions towards the violent capture of power or violent deduction of power in infringement of the Constitution of the Azerbaijan Republic, as well as actions directed taken towards violent changes of constitutional grounds of the states)

Place of detention: Prison No15

33. Farid Nadir oglu Aghayev

Date of arrest: 15 January 2007

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



Place of detention: Prison No1

34. Jeyhun Saleh oglu Aliyev Date of arrest: 15 January 2007

Charges: Criminal Code articles 28.2 (the criminal liability shall be instituted only for preparation of minor serious and especially serious crimes), 180.3.1 (robbery, by organized group); 218.2 (Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 228.1 (illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives) 274 (state betray, that is



deliberately action committed by a citizen of the Azerbaijan Republic to detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of the state secret to foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic) və 278-ci (actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

Place of detention: Prison No 7

35. Rashad Ismayil oglu Aliyev

Date of arrest: 13 January 2007

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



Place of detention: Prison #11

36. Mikayil Garib oglu Idrisov Date of arrest: 15 January 2007

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



Place of detention: Prison No1

37. Jahangir Ramiz oglu Karim

Date of arrest: January 15, 2007

Charge: Criminal Code articles 28.2 (The criminal liability shall be instituted only for preparation of minor serious and especially serious crimes) 180.3.1 (robbery, by organized group); 218.2 (Participation in criminal community (criminal organization) or in association of organizers, heads or other representatives of the organized groups), 228.1 (illegal purchase, transfer, selling, storage, transportation or carrying of fire-arms, accessories to it, supplies (except for the smooth-bore hunting weapon and ammunition to it), explosives), 274(State betray, that is deliberately action committed by a citizen of the Azerbaijan Republic to detriment of the



sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of the state secret to foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic), 278 (Actions directed on violent capture power or violent deduction power in infringement of the Constitution of the Azerbaijan Republic, as well as directed on violent change of constitutional grounds of the states)

Place of detention: Prison No1

38. Rasim Rafiq oğlu Karimov

Date of arrest: January 20, 2007

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

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

Place of detention: Prison No 11



39. Samir Edik oğlu Gojayev

Date of arrest: January 17, 2007

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

Place of detention: Prison No 7



40. Baybala Yahya oglu Guliyev

Date of arrest: March 13, 2007

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

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

Place of detention: Prison No 11



41. Emil Nuraddin oglu Mohbaliyev

Date of arrest: 15 January 2007

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

Place of detention: Prison No 15



b. The Islamic Party of Azerbaijan

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

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

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

IPA activists took part in the first peaceful protests against the hijab (headscarf) ban in schools imposed by the Ministry of Education in December 2010. At the IPA General Assembly held on 2 January 2011, Samadov made a speech criticizing Minister of Education Misir Mardanov for the hijab ban, and President Aliyev for the social situation in the country.²⁷ In his speech, Samadov referred to articles from the *Washington Post* and the *New York Times* about villas in Dubai, reportedly owned by the president's son. The articles claimed that the wealth of the Azerbaijani people and state had been stolen; there were no jobs for Azerbaijani youth despite the country's great wealth; injustice and bribery ruled in to commemorate the birthday of former President Heydar Aliyev, was essentially stolen from the people; and idolatry was promoted in the country by idolizing Heydar Aliyev. Samadov claimed that the Azerbaijani people should remain on alert and should change the ruling regime. He called on the people to rise against oppression. Samadov's speech went viral on social media networks, particularly on YouTube, leading to broad discussions.

On 7 January Samadov, IPA Deputy Vagif Abdullayev, IPA member Elchin Hasanov, and

²⁷ <http://bit.ly/1mb5txL>

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

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

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

On 7 October 2011, Baku Court of Grave Crimes Judge Eldar Ismayilov issued a decision sentencing Movsum Samadov to 12 years in prison, Akhundzada to 11.5 years, Abdullayev to 11 years, Abbasov to 11 years, Mammadzayev to 10 years, and Dayanat Samadov to 10 years. Mikayilzada was sentenced to 11 years of conditional imprisonment, with a five-year trial period. The Baku Court of Appeals upheld the decision on 17 May 2012, and the Supreme Court upheld the decision on 21 February 2013.

Observation of the court trials and examination of the final ruling reveals that Samadov had not entered into any criminal relationship with those arrested with him. He prepared the speech he made on 2 January by himself. Deputy IPA Chairman Abdullayev, head of the IPA Astara branch Akhundzada, and religious followers invited to the event Abbasov and Mikayilzada, heard the speech at the event. Unlike what the investigation claimed, Samadov stated that he did not use the word "Jihad" in his speech, and that 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 given under pressure. However, the court attributed the change in testimonies to the influence of

third parties. Although the protocol from the claimed discovery of arms in the shop where Dayanat Samadov worked named Rasim Mukhtar oglu Guloglanov as a case witness, it was later revealed in the court that his real name was Taleh Rasim oglu Piroglanov. Another case witness, Hazrat Aliyev, said that he signed the search protocol in the police department, not at the search venue. He could not explain why he had gone to the police department.

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

Another witness, Natig Mammadov, who claimed that he heard the same conversation, provided his military service certification to the investigation instead of his identification card. The court did not pay any attention to this issue, which calls into question the witness' identification. The witness, who claimed to be a religious follower who regularly visited the mosque in Guba, failed to answer even the simplest religious questions regarding the parts of Islamic prayer, and did not know what month Ramadan was. The case materials contained no evidence proving that Samadov and the others worked against the national interests of the Azerbaijani state or cooperated with Iranian intelligence services or other bodies.

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

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

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

42. Faramiz Zaynal oglu Abbasov

Date of arrest: 24 January 2011

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



for the violent capture of power or violent deduction of power in infringement of the Constitution of the Azerbaijan Republic, as well as directed violent change of the constitutional grounds of the state)

Place of detention: Prison No. 7

43. Rufulla Hojjatullah oglu Akhundzada

Date of arrest: 21 January 2011



Charge: Criminal Code Articles 28, 214.2.1 (Preparation of a crime committed with advance arrangement by a group of persons, an organized group, or a criminal community or organization); 28, 214.2.3 (Preparation of a crime committed with the application of firearms or objects used as a weapon); 228.3 (Illegal purchase, transfer, sale, storage, transportation, or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition), or explosives, and facilities, committed by an organized group); and 278 (Actions directed for the violent capture of power or violent deduction of power in infringement of the Constitution of the Azerbaijan Republic, as well as directed violent change of the constitutional grounds of the state); and 283.1 (Actions directed to incite national, racial or religious hatred or humiliation of national advantage, or actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media)

Place of detention: Prison No. 15

44. Firdovsi Teymur oglu Mammadrzayev

Date of arrest: 12 January 2011



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

Place of detention: Prison No. 1

45. Dayanat Alaskar oglu Samadov

Date of arrest: 8 January 2011

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

Place of detention: Prison No. 12

46. Movsum Mardan oglu Samadov

Date of arrest: 20 January 2011

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



Place of detention: Prison No. 11

c. Cases of religious activists arrested in May 2012

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

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

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

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

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

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

47. Valeh Mammadaga oglu Abdullayev

Date of arrest: 9 December 2013

Charge: Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group); 281.2 (Public appeals for the violent capture of authority, violent deduction of authority, violent change to constitutional grounds, or infringement of the territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such content, committed by a group of persons); and 283.2.3 (Actions directed to this list includes cases, studied by the Working Group led by Leyla Yunus and Rasul Jafarov. Last update of information is done on August 10, 2014 incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

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

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

48. Gorkhmaz Huseyn oglu Jamalov

Date of arrest: 18 January 2013



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

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

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

49. Ali Etibar oglu Aliyev

Date of arrest: 9 December 2013

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

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

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

50. Elimkhan Gurbankhan oglu Huseynov

Date of arrest: 22 May 2012

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



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

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

51. Samir Khanpasha oglu Huseynov

Date of arrest: 23 May 2012



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

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

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

52. Safar Rovshan oglu Mammadov

Date of arrest: 9 December 2013

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

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

Case background: Mammadov was sentenced to three years and four months in jail under a decision issued by Baku Court of Grave Crimes Judge Zeynal Agayev on 9 December

2013. Baku Court of Appeals upheld the ruling on June 27, 2014.

53. Elvin Nuraddin oglu Nasirov

Date of arrest: 20 May 2012

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

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

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

54. Jeyhun Zabil oglu Safarli

Date of arrest: 20 May 2012

Charge: Criminal Code Articles 167.2.2.1 (Import, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the intent to reproduce, sell and distribute without appropriate authorization, committed with advance agreement by a group of persons or an organized group); 234.4.1 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, committed with preliminary arrangement by a group of persons or an organized group); 234.4.3 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, in a large amount); 281.2 (Public appeals for the violent capture of authority, violent deduction of authority, violent change to constitutional grounds, or infringement of the territorial integrity of the

Azerbaijan Republic, as well as distribution of materials of such content, committed by a group of persons); and 283.2.3 (Actions directed to incite national, racial, or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media, committed by an organized group)

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

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

55. Emin Yadigar oglu Tofidi

Date of arrest: 16 January 2013

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

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

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

d. Cases of religious activists arrested in the Masalli region

Six persons, who were religious followers living in the Masalli region, were arrested along with journalist Araz Guliyev, whose case is detailed in the first section of this report. Some are friends of Guliyev, one (Nijat Aliyev) is a relative of his, and the others are his acquaintances. Some of these persons helped Guliyev to collect information for the website he edited, www.xeber44.com. Some had also attended the peaceful protest against the hijab ban in late 2010. Of the arrested persons, only Ziya Tahirov was near the journalist on the day of his arrest. Rza Agali was arrested on 6 September 2012, like Guliyev. The others were arrested on different dates. Nonetheless, they were all found guilty of throwing stones at people during a disco party held as part of a folklore festival in the Masalli region, and other charges. There is no doubt that these persons were arrested for helping Guliyev. Their arrest was also intended to make the charge against Guliyev more serious, by claiming that the crime was committed by an organized group.

During the trial, the doubtful and questionable testimonies against the defendants were accepted as more reliable evidence than testimonies given in their favor. For instance, only one witness, Hajali Javadov, claimed that Kazimov was at the scene of the incident, while the other witnesses who were reportedly there at the same time, said they had not seen Kazimov.

Moreover, the search, which allegedly uncovered narcotic substances in Kazimov's house, was conducted without his or his lawyer's presence. The final court verdict does not show what concrete illegal action the defendants committed. The court issued long-term prison sentences to the persons illegally arrested for this incident. The fact that some of the defendants were charged with forming criminal groups and that this charge was not brought against other defendants who were found guilty for the same incident, shows that the indictment was drafted hastily under false grounds.

56. Rza Gorkhmaz oglu Agali

Date of arrest: 9 September 2012

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



Place of detention: Prison No. 14

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

57. Suraj Valeh oglu Agayev

Date of arrest: 15 September 2012

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



Place of detention: Prison No.5

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

58. Nijat Yaser oglu Aliyev

Date of arrest: 18 September 2012

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

Place of detention: Prison No. 16

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

59. Khalid Nofal oglu Kazimov

Date of arrest: 14 September 2012

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



Place of detention: Prison No. 6

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

60. Namig Alisa oglu Kishiyev

Date of arrest: 18 September 2012

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



Place of detention: Prison No.5

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

61. Ziya İbrahim oglu Tahirov

Date of arrest: 9 September 2012

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



Place of detention: Prison No.5

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

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

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

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

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

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

62. Tarlan Faiq oğlu Agadashov

Date of arrest: 5 October 2012

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



Place of detention: Prison No. 16

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

63. Rovshan Huseyn oğlu Allahverdiyev

Date of arrest: 5 October 2012

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

Place of detention: Prison No. 16

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

64. Nasimi Yusif oğlu Hasanov

Date of arrest: 6 October 2012

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



Place of detention: Prison No. 16

Case background: Hasanov was in fact arrested in connection with his participation in the “Freedom for hijab” protest held on 5 October 2012, but was charged under unrelated articles of the Criminal Code. A few days following his return to the Barda region, information was spread about police searches for Hasanov (although police had not visited his house). After dissemination of this information, Hasanov voluntarily went to the Barda Regional Police Department saying that he was in Barda. While Hasanov was being questioned at the police station with regard to his participation in the protest, police employees went to his house to get the keys to his car from his father. Hasanov’s father only gave them the keys after calling Hasanov himself. After the search, it was stated that a weapon had been found in the car, and 24 packets of narcotic substances in Hasanov’s pocket, while he was voluntarily present at the police station. The testimonies of the police and case witnesses in the trial contained many conflicting points not conforming to their initial testimonies. For instance, when asked about the color of Hasanov’s car, the case witness of the car search Ahmad Sariyev said “it was either white or black.” Asked about the date of Hasanov’s arrest, one of the police employees answered “5 October,” although Hasanov had been arrested at a later date. Nonetheless, Hasanov was sentenced to four years in jail on 27 July 2013.

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

65. Ilham Bahman oglu Hatamov

Date of arrest: 5 October 2012

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

Place of detention: Prison No. 14

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

66. David Tarlan oglu Karimov

Date of arrest: 5 October 2012

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

Place of detention: Prison No. 16

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

67. Elshad Fikrat oglu Rzayev

Date of arrest: 23 February 2013

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



Place of detention: Prison No. 16

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

68. Telman Shirali oglu Shiraliyev

Date of arrest: 5 October 2012

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

Place of detention: Prison No. 16

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

f. Theologians.

69. Abgul Neymat oglu Suleymanov

Date of arrest: 12 August 2011



Charge: Criminal Code Articles 228.1 (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies (except for smooth-bore hunting weapons and ammunition), explosives and facilities); 233 (Organization by a group of persons of actions breaking social order or connected to insubordination of legal requirements of a representative of authority, or infringement of the normal activity of transport, enterprise, establishment, or organization, as well as active participation in such actions); 234.1 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer narcotics or psychotropic substances); 234.4.3 (Illegal purchase or storage without intent to sell of narcotics or psychotropic substances in a quantity exceeding the amount necessary for personal consumption, in a large amount); and 283.2.1 (Actions directed to incite national, racial or religious hostility, or humiliation of national advantage, as well as actions directed to restrict citizens' rights, or establish the superiority of citizens on the basis of their national or racial belonging or creed, committed publicly or with the use of mass media committed with the application of violence or with the threat of violence)

Place of detention: Prison No. 8

Case background: Suleymanov is well known in Azerbaijan as a religious activist and influential religious figure. Suleymanov, who was teaching the Koran and Islamic religion since 2001 mobilily, 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 about the Prophet Mohammad. Suleymanov also took part in peaceful protests held in front of the Israeli Embassy in Baku on International Jerusalem Day each year between 2006 and 2010. Following a decision issued by the Economic Court related to the destruction of the Fatimeyi-Zahra mosque in 2009, Suleymanov organized a peaceful protest in front of the Baku City Executive Committee. He also made 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, 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 Suleymanov and journalist Ramin Jahangir oglu Bayramov and Azerbaijan Islamic Party member Arif Gulsuvar oglu Ganiyev were suspected of assisting a foreign state and its delegates in conducting enmity against Azerbaijan, as well as inciting mass unrest and violation of public safety, and encouraging people toward disobedience. The statement goes on to say that Suleymanov, with financial support from the Baku-based Cultural Center of the Islamic Republic of

Iran, created and led a radical religious group called “Jafari” without official state registration. Group members allegedly promoted religious radicalism and organized, prepared, and distributed to religious followers sheets propagating religious division and discrimination. The website www.İslam-Azeri.az was allegedly created by a so-called Jafari radical religious group to promote propaganda, and Ramin Bayramov was assigned to take the lead on the website.

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

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

The court investigation did not grounds for the claim that drugs were found on Suleymanov and in his house, and that the drugs allegedly found were not intended for sale. In addition, an expert issued an opinion saying that Suleymanov was not a drug user. The court, however, believed the MNS employees and case 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 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 mosque nine months before prior, in November 2010. In his speech, Suleymanov criticized the destruction of mosques and the hijab ban at schools, and stressed the need to hold protests against it. This speech was filmed by attendees and later posted on social networking sites. The investigation assessed the call for protest as a call for the use of violence. The trial did not establish the fact that the claimed expressions of hatred were indeed expressions of hatred.

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 Bayramov’s website, and other issues of this kind, were not covered in the investigation or the trial. This fact also shows that Suleymanov was arrested hastily and under a political order.

Although Suleymanov was initially transferred to prison No.13, he was soon transferred to a single cell. Prison management introduced petitions claiming that 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 Suleymanov was transferred to the prison in February 2013), to transfer Suleymanov to the Gobustan closed prison (which has grave detention conditions) for six months. As a result of appeals against this decision, 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.

g. The case of “Nurcular” [followers of Nursi]

The criminal case No 1086 was launched by the Ministry of National Security of the Republic of Azerbaijan. On 12 April 2014, Ismayil Mammadov Isakh oglu and Eldaniz Hajiyev Balamat oglu were detained in the capacity of the accused persons. On 14 April 2014, the court adopted a decision on their two-month pretrial detention. On 23 May 2014, another accused person, Ravan Sabzaliyev Hakim oglu was placed in pretrial detention for two months. Later, the term of pretrial detention of all three accused persons was further extended for two months. According to the materials of the case, several residents of Yasamal district of Baku complained to the police that members of a religious community, who gathered at different times in a house in their neighborhood, disturbed their comfortable life. On 12 April 2014, Ministry of National Security and Ministry of Internal Affairs of the Republic of Azerbaijan jointly conducted an operation and detained more than 40 persons who were reading books and praying in that house. According to the official charges, the above-mentioned three persons violated the rights of other persons under the guise of religious services and involved two minors into their activities. The facts that all the neighbors wrote the same kind of complaint on the same days and that the two Ministries demonstrated such a rapid and strong reaction to a regular complaint of the residents suggest that the operation was planned in advance with an intention to detain the religious persons. However, the real intention of this group was to peacefully promote “Nurcu” branch of Islam, based on the writings of Said Nursi, a Sunni religious scholar. Although the propaganda was carried out in a peaceful manner and there was no evidence or even a possibility that the three accused persons have used violence or violated the laws of the Republic of Azerbaijan, all three of them were placed in pretrial detention. Although according to Article 168.2 of the Criminal Code of the Republic of Azerbaijan envisages fines or imprisonment for up to three years as the most severe punishment for such crimes, the immediate arrest of the accused persons, lack of evidence in the documents of the case sufficient to accuse the defendants, and negligence of this lack of evidence by the court demonstrate that the individuals listed in the case were prosecuted because of their religious views. Expert examination of the literature found in possession of these individuals concluded that the books read and distributed by the defendants did not have any content that would violate the law. Later, in September 2014, the decision about detention of these three persons was changed to home arrest.

At the same time, in April 2014, criminal proceedings against the followers of Said Nursi were also started in Goychay. Investigative search and confiscation operations were carried out in the house where they gathered in Goychay city. Shahin Hasanov and Zakariyya Mammadov were drawn into criminal liability as accused persons – they were not detained, but taken under police control.

The court hearing on the case of followers of Said Nursi (*Nurcular*) detained in Yasamal district of Baku in April 2014 started at the Yasamal District Court in late October 2014 and ended in 7 October 2015 (Judge Agshin Afandiyev).

Eldaniz Hajiyev, Ismayil Mammadov, Shahin Hasanov and Zakariyya Mammadov were found guilty under Article 167-2.2.1 (Manufacturing, importing for the purpose of selling

or distributing, selling or distributing religious literature (print or electronic), audio and video materials, items and other religious materials without the relevant license – while committed by a group of people or an organized group), Article 168.1 (Creating, leading or participating in a group operating under the guise of spreading religious sects or providing religious services, whereby violating public order or damaging citizens' health or hindering citizens' rights regardless of its form, as well as, diverting citizens from fulfilling their duties established by law) and Article 168.2 (**Hindering citizens' rights under the guise of implementing religious services**, while involving minors) of the Criminal Code. Ravan Sabzaliyev was found guilty only according to Article 168.2.

On 23 September 2015, the prosecutor suggested 7 years of imprisonment for I. Mammadov, 6.5 years of imprisonment for E. Hajiyev, S. Hasanov and Z. Mammadov, and 4 years for R. Sabzaliyev. According to lawyer Yalchin Imanov, on 7 October 2015, Yasamal District Court found the defendants guilty in all charges and all of them were imprisoned. The lawyer noted that none of the charges were proved at the court: "They just gathered at a house, read the book "Risaleyi Nur" and discussed it amongst themselves. They have never conducted any religious services or hindered anybody's rights. The charges against them were not proved during the court review." According to him, the rights of the defendants guaranteed under Article 47 (Freedom of thought and speech), Article 48 (Freedom of confession) and Article 49 (Freedom of assembly) of the Constitution of Azerbaijan were violated. He said: "The accused persons are victims of the current political conjuncture. They are followers of classical Nursism. They have no connection with Fethullah Gulen, whose followers are being repressed in Turkey and Azerbaijan."

70. Mammadov Ismayil Isakh oglu

Date of detention: 14 April 2014

Charge: Articles 167-2.2.1, 168.1 and 168.2 of the Criminal Code

Place of detention: Baku (Kurdakhani) Pretrial Detention Facility

Brief information on the case: According to the materials of the case, Ismayil Mammadov is accused of organizing religious lessons, holding secret gatherings and carrying out religious propaganda, as well as hindering citizens' rights under the guise of implementing religious services. The literature and audio-video materials confiscated from the house where he and other defendants in this case gathered were examined by the experts and the examination did not find out any content that would be contrary to the laws of Azerbaijan. Nevertheless, Ismayil Mammadov and others were deprived of their liberty. Ismayil Mammadov is suffering from tuberculosis. His lawyer reported that he is not kept in circumstances appropriate for his health condition. By the judgment of Yasamal District Court adopted on 7 October 2015, Ismayil Mammadov was imprisoned for 4 years 6 months.

71. Sabzaliyev Ravan Hakim oglu

Date of detention: 23 May 2014

Charge: Article 168.2 of the Criminal Code

Place of detention: Baku (Kurdakhani) Pretrial Detention Facility

Brief information on the case: According to the materials of the case, Ravan Sabzaliyev is accused of hindering citizens' rights under the guise of implementing religious services, while involving minors in this. During the court hearing, four 'victims' said that they do not know Ravan Sabzaliyev at all. By the judgment of Yasamal District Court adopted on 7 October 2015, Ravan Sabzaliyev was imprisoned for 1 year 1 month 29 days.

72. Hajiyev Eldaniz Balamat oglu

Date of detention: 14 April 2014

Charge: Articles 167-2.2.1 and 168.2 of the Criminal Code

Place of detention: Baku (Kurdakhani) Pretrial Detention Facility

Brief information on the case: Eldaniz Hajiyev is one of the organizers of the reading group for studying writings of Said Nursi. According to the materials of the case, Eldaniz Hajiyev is accused of organizing religious classes, carrying out religious propaganda through holding secret gatherings, and hindering citizens' rights under the guise of implementing religious services. The literature and audio-video materials confiscated from the house where he and other defendants in this case gathered were examined by the experts and the examination did not find out any content that would be contrary to the laws of Azerbaijan. 'Victims' in the case said that Eldaniz Hajiyev has not violated any of their rights. Nevertheless, he is still being kept under arrest.

By the judgment of Yasamal District Court adopted on 7 October 2015, Eldaniz Hajiyev was imprisoned for 4 years 6 months.

73. Hasanov Shahin Mukhtar oglu

Detention date: During the pretrial investigation period, was not detained but was put under police control

Charge: Articles 167-2.2.1 and 168.2 of the Criminal Code

Place of detention: Baku (Kurdakhani) Pretrial Detention Facility

Brief information on the case: Shahin Hasanov is one of the organizers of the reading group for studying writings of Said Nursi. According to the materials of the case, he is accused of organizing religious classes, carrying out religious propaganda through holding secret gatherings, and hindering citizens' rights under the guise of implementing religious services. The literature and audio-video materials confiscated from the house where he and other defendants in this case gathered were examined by the experts and the examination did not find out any content that would be contrary to the laws of Azerbaijan. Moreover, in their testimonies to the court, two of the 'victims' said that Shahin Hasanov has not violated any of their rights. Nevertheless, he is still being kept under arrest.

By the judgment of Yasamal District Court adopted on 7 October 2015, Shahin Hasanov was imprisoned for 5 years.

74. Mammadov Zakariyya Isakh oglu

Detention date: During the pretrial investigation period, was not detained but was put under police control

Charge: Articles 167-2.2.1 and 168.2 of the Criminal Code

Place of detention: Baku (Kurdakhani) Pretrial Detention Facility

Brief information on the case: Zakariyya Mammadov is one of the organizers of the reading group for studying writings of Said Nursi. According to the materials of the case, he is accused of organizing religious classes, carrying out religious propaganda through holding secret gatherings, and hindering citizens' rights under the guise of implementing religious services. The literature and audio-video materials confiscated from the house where he and other defendants in this case gathered were examined by the experts and the examination did not find out any content that would be contrary to the laws of Azerbaijan. Moreover, in their testimonies to the court, two of the 'victims' said that Zakariyya Mammadov has not violated any of their rights. Nevertheless, he is still being kept under arrest.

By the judgment of Yasamal District Court adopted on 7 October 2015, Zakariyya Mammadov was imprisoned for 5 years.

F.

LIFETIME PRISONERS

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

The Special Purpose Police Detachment was established based on the Takamul (Evolution) Party founded by Rovshan Javadov and his brother Mahir Javadov in 1987. Because of the war between Azerbaijan and Armenia after the collapse of the Soviet Union in the early 1990s stemming from separatist developments in Nagorno-Karabakh in 1988, Rovshan Javadov ordered the party to turn into a military unit. Following the initial battles in the war, Javadov rose to the rank of colonel, and his unit was named the “Special Purpose Police Detachment” (SPPD). In 1991, SPPD members were awarded the title of “National Heroes” for their 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. Javadov had played a crucial role in Heydar Aliyev coming to power.

Javadov kept the SPPD under the Ministry of Internal Affairs. Elchin Amiraslanov, who is on this list, was appointed the Commander of the Gazakh branch of the SPPD. However, a while later, serious disagreements 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 decision not to detain those who had attempted to move 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, and a bloody battle took place. On 14 March, Minister of Internal Affairs Ramil Usubov (who remains minister to this day), issued an order to discharge SPPD and seize their arms within three days. However, an armed confrontation took place between interior troops and SPPD members on the night of 16 March near the SPPD office in Baku. As a result, Rovshan Javadov passed away in the hospital of the Ministry of Internal Affairs due to the heavy wounds he sustained.

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

According to the main charge brought against the prisoners, is that Safa Poladov and Arif Kazimov, under the instructions of 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 essence of this charge was not proven by the investigation team or the court. 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 relatives. They said that the deceased persons had been killed in connection with the investigation into the transfer of oil to Armenia.

Nonetheless, Amiraslanov, Kazimov, and 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 appeal against the decision. Amiraslanov was sentenced to 15 years in prison under a 22

September 2000 decision of the Supreme Court. That decision incorporated his previous sentence of life in prison, which replaced his initial sentence of the death penalty when Azerbaijan abolished the death penalty in 1998.

In interviews and articles in the media in 2010 and 2011, former MNS officer Ramin Nagiyev, who now lives abroad under political asylum, stated that the murders, which were claimed to have been committed by SPPD members, were actually committed by former Head Operation Officer of the Ministry of Internal Affairs Main Criminal Search Office Haji Mammadov, who was arrested in 2005. Nagiyev had been a member of the investigation team looking into the murder of Shamsi Rahimov and Afiyaddin Jalilov, before he was expelled from the investigation in 1995 without any reason given.²⁸ Nagiyev's statements have not been officially dismissed.

Lifetime imprisonment sentence could not have been applied

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

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

According to Article 23 of the Criminal Code, under which the SPPD members were charged, when the death penalty was replaced with imprisonment through pardon, the prison sentence could be more than 15 years, but no more than 20 years. As such, the

²⁸ <http://bit.ly/1f0C3kt>

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.

According to Item 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 was illegal to replace the sentences of the SPPD members with life in prison.

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. Item 19 of this report contained a list of 23 persons (due to time constraints and a lack of data, only these cases were investigated) who were assessed by the group of experts and determined to be political prisoners or not. Amiraslanov and Kazimov were on this list, and were considered to be political prisoners.²⁹ The Parliamentary Assembly of Council of Europe (PACE) adopted Resolution No. 1272 on

“Political Prisoners in Azerbaijan” on 24 January 2002. In Item 10 of this Resolution, PACE called on the Azerbaijani government to release Amiraslanov and Kazimov, along with the other political prisoners.³⁰

Continuing their activity under their new mandate, the independent experts, in their report

²⁹ <http://bit.ly/1hEhLL3>

³⁰ <http://bit.ly/1h3hjoL>

of 12 May 2003, concluded that Poladov was also a political prisoner.³¹ 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.³² In follow-up to Resolution No. 1359, PACE adopted a report on 31 May 2005. Item 26 of this report stresses that three persons determined to be political prisoners by the independent experts – Amiraslanov, Kazimov, and Poladov - still remained in prison, and expressed concern over this.³³

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 on the mother’s side Karamat

Karimov, were replaced with 25 years in prison under a pardon decree, Amiraslanov, Kazimov, and Poladov did not receive the same treatment.

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

³¹ <http://bit.ly/P93b7e>

³² <http://bit.ly/1dUqbwR>

³³ <http://bit.ly/1gJUxIg>

75. Elchin Samad oglu Amiraslanov

Date of arrest: 10 December 1996



Charge: Criminal Code (of 1960) Article 57 (High treason); Article 57-1, Parts 2 (Use of the Armed Forces of the Republic of Azerbaijan and other armed units established by the legislation of the Republic of Azerbaijan against the Azerbaijani people or constitutional state bodies, resulting in grave consequences) and 15 (Preparation of a crime or attempting a crime); Article 59, Parts 1 (Killing a state figure or public figure or representative of authority with political motivation), 17 (Participation), and 70 (Organizing armed bands to attack state bodies, offices, organizations or public enterprises, offices, organizations or individuals, or participation in such bands and the attacks organized by them); Article 70-2, Parts 1 (Establishing armed units or groups not envisaged in legislation, as well as participating in the establishment or operation thereof, supplying them with arms, weapons, explosives, military equipment or soldier equipment), 3 (Attacking state or public institutions, offices, organizations or individuals in the composition of armed units or groups not envisaged in legislation, leading to death of people or other grave consequences); Article 71 (Smuggling, that is the transfer of goods and other valuable things through the state border of the Republic of Azerbaijan by hiding them in special storage points, or using customs documents and other documentation for deceiving, committed in a large amount or by a group of persons organized to engage in contraband or an officeholder who uses his official position, as well as smuggling explosives, stupefying, strongly influencing or poisoning substances, arms and ammunition, or military equipment); Article 94, Parts 3 (Killing a victim with respect to his fulfillment of his service or public duty), and 95 (Deliberate murder of a person with no aggravating elements (greediness, hooliganism, murdering the victim with respect to his implementation of his job or public duties, murdering two or more persons, murdering a woman who is pregnant, murdering a person with special brutality or in a manner that is dangerous for a number of persons; murdering people with the view to hide another murder or ease fulfillment of it, as well as with regard to raping, deliberate murder of person by a recidivist with special danger or a person who has been earlier convicted) enumerated in Article 94; Article 120, Part 2 (Deprivation of freedom through a method which is dangerous for the victim's life or health or by physically tormenting); Article 145, Part 2, Items 1, 2, 5 and 6 (Robbery committed by a group of persons with preliminary agreement using arms or other objects used as arms, by a person who has earlier committed robbery or banditry with the goal of seizing state property, public property or citizens' personal property, or robbery that inflicted damage to the victim in large amount, that is, an attack related to dangerous violence or a threat to commit such violence that is dangerous for the health or the life of the person who was subjected to the attack, aimed to seize the citizen's personal property); Article 146 (Extortion through threat, that is, requiring a citizen to hand over his right to personal property or undertake actions assuming property by threatening to use violence on the victim or his relatives, disseminating discrediting information about him or destroying his property); Article 194, Part 1 (Making, falsifying, or selling documents that give authority or release from duties or deliberately using falsified documents, as well as making, selling or acquiring false stamps, seals or forms of state institutions, offices, organizations or public institutions,

offices, organizations with the view to prepare false documentation); Article 207, Parts 2 (Biased hooliganism, that is, actions that are of distinctively exceptional impudence or special uncontrollability, or related to resisting a representative of authority or a representative of the public fulfilling his duty to protect public order or resisting other citizens overcoming hooliganism actions , as well as actions committed by a person convicted earlier for hooliganism), and 3 (Hooliganism committed by using or attempting to use a fire-arm, knife, knuckle-duster or other side-arms, as well as by other objects specially made to injure body); Article 220, Parts 1 (Carrying, storing, acquiring, making or selling firearms (except for smooth-bore hunting rifles), ammunition or explosive substances), 2 (Carrying, making or selling daggers, Finnish knives, and other side-arms except in cases when they are considered elements of national costumes without permit); and Part 3 of Article 220-1 (Stealing firearms (except for smooth-bore hunting weapons and ammunition), ammunition or explosive substances through a mugging attack or by a particularly dangerous recidivist)

Place of detention: Gobustan Closed Prison

76. Arif Nazir oglu Kazimov

Date of arrest: 10 December 1996



Charge: Criminal Code (of 1960) Article 57 (High treason); Article 59, Parts 1 (Killing a state figure or public figure or representative of authority with political motivation), 17 (Participation), and 70 (Organizing armed bands to attack state bodies, offices, organizations or public enterprises, offices, organizations or individuals, or participation in such bands and the attacks organized by them); Article 70-2, Parts 1 (Establishing armed units or groups not envisaged in legislation, as well as participating in the establishment or operation thereof, supplying them with arms, weapons, explosives, military equipment or soldier equipment) and 3 (Attacking state or public institutions, offices, organizations or individuals in the composition of armed units or groups not envisaged in legislation, leading to death of people or other grave consequences); Article 71 (Smuggling, that is the transfer of goods and other valuable things through the state border of the Republic of Azerbaijan by hiding them in special storage points, or using customs documents and other documentation for deceiving, committed in a large amount or by a group of persons organized to engage in contraband or an officeholder who uses his official position, as well as smuggling explosives, stupefying, strongly influencing or poisoning substances, arms and ammunition, or military equipment); Article 145, Part 2, Items 1, 2, 5 and 6 (Robbery committed by a group of persons with preliminary agreement using arms or other objects used as arms, by a person who has earlier committed robbery or banditry with the goal of seizing state property, public property or citizens' personal property,

or robbery that inflicted damage to the victim in large amount, that is, an attack related to

dangerous violence or a threat to commit such violence that is dangerous for the health or the life of the person who was subjected to the attack, aimed to seize the citizen's personal property); Article 146 (Extortion through threat, that is, requiring a citizen to hand over his right to personal property or undertake actions assuming property by threatening to use violence on the victim or his relatives, disseminating discrediting information about him or destroying his property); Article 207, Part 2 (Biased hooliganism, that is, actions that are of distinctively exceptional impudence or special uncontrollability, or related to resisting a representative of authority or a representative of the public fulfilling his duty to protect public order or resisting other citizens overcoming hooliganism actions , as well as actions committed by a person convicted earlier for hooliganism); Article 220, Parts 1 (Carrying, storing, acquiring, making or selling firearms (except for smooth-bore hunting rifles), ammunition or explosive substances), 2 (Carrying, making or selling daggers, Finnish knives, and other side-arms except in cases when they are considered elements of national costumes without permit); and Part 3 of Article 220-1 (Stealing firearms (except for smooth-bore hunting weapons and ammunition), ammunition or explosive substances through a mugging attack or by a particularly dangerous recidivist)

Place of detention: Gobustan Closed Prison

77. Safa Alim oglu Poladov

Date of arrest: 10 December 1996

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



Article 120, Part 2 (Deprivation of freedom through a method which is dangerous for the victim's life or health or by physically tormenting)

Place of detention: Gobustan Closed Prison

G. OTHER CASES

a. Case of persons arrested for the Ismayilli protests

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

In the framework of the criminal case, a total of 18 persons were arrested for the incident. Sixteen are residents of the Ismayilli region. The other two prisoners are Ilgar Mammadov, Chairman of the Republican Alternative movement, and journalist Tofiq Yagublu, whose cases are detailed earlier in this report. The persons who were sentenced to pre-trial detention were initially charged with resisting police and violating public order. However, the latter was replaced with a more serious charge – inciting mass unrest and participating in the unrest.

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

78. Vasif Adalet oglu Ibrahimov

Date of arrest: 25 February 2013

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



Place of detention: Sheki Penitentiary Institution

Case background: Ibrahimov was one of the Ismayilli residents who spoke against the violation of rights in the region and voiced critical opinions. Although he was not a member of any opposition party, he was in opposition to the local executive authorities in the country, particularly in the Ismayilli region. Ibrahimov along with Elchin Ismayilly, a journalist living in Ismayilli, had publicized pressure on entrepreneurs, such as the fact that their power supply was cut off for several days, and the closure of the shops owned by entrepreneurs, as well as various social problems through ANS TV and the print media. As a result Ibrahimov became the target of local authorities. On the first day of the mass protests (23 January) in Ismayilli, Ibrahimov gave an interview to journalists in which he described the construction of the Chirag Hotel as illegal, and stated that 35 low-income families had been forced to leave the building which was then turned into a hotel. He criticized the local executive structures for their involvement.³⁴ In a part of his interview that was not aired, he blamed the Executive Head of the Ismayilli region and the son of the Minister of Labor and Social Protection in these incidents.

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

³⁴ <http://bit.ly/1mb5UIx>

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

79. Ali Binnat oglu Insanov

Date of arrest: 20 October 2005

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



Place of detention: Prison No. 13

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

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

Insanov was arrested 16 days before the 2005 parliamentary elections and initially charged with plotting a coup, although he was later convicted of economic crimes. He was arrested by the Ministry of National Security and immediately sentenced to pre-trial detention. The former minister stated that he was subjected to torture at the time of his arrest, and that the torture continued in Bayil Prison, in Investigative Prison No.5, and in Prison No. 13.

The investigation into the criminal case against Insanov was finalized in 2007, but his

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

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

Insanov applied to the European Court of Human Rights (ECHR) under Article 3 (prohibition of torture) and Article 6 (right to a fair trial) of the European Convention of Human Rights and Fundamental Freedoms. On 14 March 2013, the ECHR recognized the violation of both rights.³⁵ The Court ruled that the former minister's right for defense and other procedure rules were violated and that there was a need for additional investigation. The ordered the Azerbaijani government to pay a fine of 10,000 AZN.

On 15 November 2013, the Supreme Court, based on the ECHR ruling, transferred the case to the Baku Court of Appeals for reconsideration. During the appellate hearing, Insanov voiced severely critical opinions against the government, particularly President Aliyev. During the next trial session, Insanov was held in a glass cage, and the judge did not allow him to talk (the judge turned off his microphone while he was voicing critical opinions). On 25 February 2014, the Court of Appeals upheld the 11-year prison sentence.

PACE Resolution #1545 of 2007 called for a fair trial for Ali Insanov.³⁶ A report released by former PACE co-rapporteurs for Azerbaijan Andres Herkel and Evguenia Jivkova in March 2008, and a PACE resolution of 24 July 2008, also include points of concern related to Insanov's case.

³⁵ <http://bit.ly/1myxEK1>

³⁶ <http://bit.ly/P93hLW>

80. Nijat Amir oglu Guliyev



Date of arrest: 7 August 2013

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

Place of detention: Prison No. 17

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

Two months before October 2013 presidential election, he was again arrested by MNS employees at his cottage in the Absheron region. Before his arrest, he had a phone conversation with well-known film director Rustam Ibragimbekov, the united opposition presidential candidate, and expressed his support to Ibragimbekov who had faced oppressions. In his interviews, Ibragimbekov stated that he had known Guliyev for a long time and that he had been arrested for calling and talking to him.

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

Immediately after his arrest, Guliyev's requests for access to a lawyer, and to call home, were rejected. Guliyev's presence during the search of the car was not ensured. After his arrest, the car remained under the control of MNS employees. Guliyev refused to testify as the charge was false.

Guliyev was sentenced to three years in jail by the Absheron District Court on 2 April 2014 – the full sentence requested by the prosecutor.

81.Asif Aydın oğlu Latifov

Date of arrest: 29 August 2012

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



Place of detention: Prison No. 9

Case background: Latifov was an officer at the State Special Guard Service (SSGS), a presidential guard. He served in the so-called special purpose Beta group. On 5 March 2011, Emin Alakbarov, with whom Latifov was serving at the airport, lost his gun cartridge, which was found by Latifov. As he had a conflict with the head of the Beta group, Latifov turned in the cartridge to the SSGS Inspection Organization Office. Four days later, he was dismissed from his job, and accused of Article 156 (Non-compliance in service). The conflict between Latifov and Fikrat Rzayev, head of the Beta group, had arisen as Latifov protested illegal activities in the SSGS, particularly the illegal affairs of Rzayev himself. Rzayev reportedly demanded 30 AZN per month from members of the Beta group. In protest, Latifov had complained to the SSGS Inspection Organization Office. Disappointed with his dismissal, Latifov started to publicize both this problem and other illegal affairs he faced. He gave interviews and published articles with opposition and independent newspapers. He held several public press conferences. He also sued SSGS management.

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

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

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

82. Akif Shamsaddin oglu Muradverdiyev

Date of arrest: 20 June 2013

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



Place of detention: Prison No. 16

Case background: Muradverdiyev was the former Head of Service of the President's Office. In 1995 he was a Member of Parliament. In the early hours of 20 June 2013, Muradverdiyev was about to leave for Moscow. He had passed the security check at the airport, as well as the customs checkpoint and border checkpoint. But when he was about to board the plane, a plain-clothed person approached him, gently asking him "to slow down," and accompanied him.

Muradverdiyev was taken to a room where he was asked to hand over his bag in the entrance. He was then invited into the room, where a conversation took place. Later Muradverdiyev's bag was brought into the room, and he was asked what was in the bag. He answered that 1400 USD, 900 AZN, a bankcard, and clothes were in the bag. The bag was opened and he was told that a package with gold coins was found. Charged with smuggling, Muradverdiyev was sentenced to pre-trial detention. It later emerged that the operation was conducted by the Ministry of National Security.

Muradverdiyev stated that he was arrested because of the belief that he would meet with united opposition presidential candidate Rustam Ibragimbekov, who lives in Moscow. Muradverdiyev described the claim as nonsense and denied any connection to Ibragimbekov.

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

Muradverdiyev was previously arrested in October 2005 charged with attempting the violent capture of power and preparing for mass unrest; however, this charge was later replaced with misappropriation of state funds and abuse of power. Consequently, he was sentenced to six years in jail. The upper instance court later reduced this period to five

years. Muradverdiyev was released on 15 January 2008, as his prison sentence was converted to a conditional sentence because of his serious health problems. Muradverdiyev applied to the European Court of Human Rights (ECtHR) with respect to this period of imprisonment. The ECtHR ruled that his right to a fair trial was violated.³⁷

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

83. Nemat Ahad oglu Panahli

Date of arrest: 8 January 2011

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

Place of detention: Gobustan Prison



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

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

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

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

Following his transfer to prison No. 17, Panahli was subjected to pressure for assisting

³⁷ <http://bit.ly/1dUqnw3>

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

c. Political hostages

84. Elnur Rafiq oglu Seyidov

Date of arrest: 27 March 2012

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

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

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

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

Seyidov was arrested 20 days after arrest of the Texnikabank's Management Board Etibar Aliyev, and others. He was arrested in connection with the same criminal case. Officially, Seyidov was charged with violating the law under the instruction of and in the favor of the bank's management. Aliyev, as well as other employees of the bank, have since been released, whereas Seyidov still remains in prison.

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

Seyidov was sentenced to 7.5 years in prison under a 29 October 2013 decision of the Baku Court of Grave Crimes. Baku Court of Appeals upheld the ruling on April 3, 2014. The testimonies made by witnesses during the trial were conflicting, and some of them stated that Seyidov had no fault. But the court did not take it into consideration. An appeal has been sent to the European Court of Human Rights with respect to Seyidov's initial arrest and his disease. The U.S State Department's Human Rights Report for 2013 lists Bagirov's case as an example of pressure on the families of opposition figures.³⁸

85. Siraj Rafig oğlu Karimli

Date of arrest: July 17, 2014

Charge : Article 234.4.3 of the Criminal Code (illegal purchase, storage or selling narcotics in large amount)

Place of detention: Prison No. 10



Case background: Siraj Karimov is an engineer by profession. He is not engaged in political activity. But, his father and brother are Musavat activists. His father, Rafig Karimli has been an active participant of political processes since 1980 and one of the co-founders' of Lachin branch of the Musavat Party. His brother Faraj Karimov was an administrator of web page of the Musavat Party and founder, also manager of

³⁸ <http://1.usa.gov/18BOn4u>

“Istefa”(“Resignation”) group which gained about 350 000 members when it was shut down, an administrator of “Basta” group until his arrest. Siraj Karimly was arrested unexpectedly by persons in mask in a tea house nearby his employment. He was taken to Department Combating against Narcotics. His father, who was taken to the department told that, it was necessary to search their house and he was made to sign up a consent application. Two computers was confiscated when the house searched, and the photos of books – “Tactics and strategy of struggle for democracy” and “Public relations” had been taken. When Rafiq Karimov went back to the department, he was told that, there had been found narcotics in his son’s pocket and computers’ confiscated their house. The next day Siraj Karimly was sent to three month pre-trial detention. Political purpose of Siraj Karimly’s arrest was to exert pressure on his brother. So, Faraj Karimly was arrested by a group of Organised Crime Combating Department of Ministry of Internal Affairs on July 23, on his way to hospital with his mother who was shocked after Siraj’s arrest. According to Faraj who told to his advocate, he was made to sign up the protocol about narcotics found in his pocket, in advance not to torture his family members, as well as his brother. According to common recommendation of human rights organisations Siraj Karimly has been hostages to neutralize Faraj Karimly.

On March 16, 2015, Siraj Karimov has received his sentence from Baku Serious Crimes Court. The court sentenced him to 6 years of imprisonment.

86. Adilov Murad Gulahmad oglu

Date of detention: 11 August 2014

Charge: Article 234.4.3 of the Criminal Code (obtaining, possessing or selling narcotics in large amounts)

Place of detention: Prison No. 10



Brief information on the case: Murad Adilov is brother of Natig Adilov, who is an active member and press secretary of the Azerbaijan Popular Front Party. He is a resident of Khalfali village of Sabirabad district. He was detained by officers of the Internal Ministry’s General Department for Fighting Organized Crime on 11 August 2014. In his testimony at the court, Murad Adilov stated that while being detained, he was subjected to physical torture by the officers of the Sabirabad District Police Department, and did not accept the charges brought against him.

According to the information of law enforcement bodies, 114.2 grams of hashish and 7.4 grams of marijuana were confiscated from him, and during the search conducted in his house 685 grams of marijuana was uncovered. Based on their research, the Working Group considers that the charges brought against Adilov are groundless.

On 13 August 2014 Narimanov District Court of Baku city made a decision on 3-month pretrial detention of Murad Adilov on narcotics charges.

On 14 May 2015, Lankaran Grave Crimes Court made a verdict on the case of Murad Adilov, who was accused of illegal circulation of narcotics. He was imprisoned for 6 years.

87. Abdullayev Mubariz Aslan oglu

Date of detention: August 21, 2013

Accusation: Article 182.3.2 of CC (request by threats, if procreated in order to obtain property in a large number)

Place of concealment: Prison No 12



Short reference on case: Abdullayev Mubariz Aslan was born on October 25, 1967 in Shahsevan village, Kurdamir region. He was accused under article 182.3.2 of the Criminal Code and deprived from freedom for 10 years. Court judgment was passed in Lankaran Court of Grave Crimes (judges: Jalilov Oruj Yusif – chairman, Guliyev Nizami Farzi and Huseynov Rashid Ingilab).

Court prosecuted Abdullayev Mubariz Aslan with threat of application of violence on identity of Abdullayev Mahir Islam, MTN major, the brother of Abdullayev Elshad Islam, the former rector of Azerbaijan International University, who was kidnapped on October 13, 2003 in unknown form, in order to obtain property in a large number and requested the property of the latter by threats. Mubariz Abdullayev is nephew of Elshad Abdullayev, the former rector of AIU. It is interesting that, his arrest was conducted after mandate trafficking spread by his uncle Elshad Abdullayev and other scandalous videos after 10 years from criminal event – kidnapping of Mahir Abdullayev.

Elshad Abdullayev, who recognized as victim in criminal case related to Mubariz Abdullayev refused to this decision of the investigation. He applied to the Republic Prosecutor's office and other competent authorities and declared that, his relative Mubariz Abdullayev was not and might not be among persons requested money, property and other things from him in kidnapping and returning of his brother Mahir Abdullayev. In contrary, requesting of money from him in kidnapping and returning of his brother was conducted by organized kidnapping network protected in upper echelon of the government. He assessed the arrest of his nephew as adequate abominable step made to make victims be silent.

According to the information given by family members of Elshad Abdullayev and Mubariz Abdullayev, the latter was deceived, then threatened with family members and underwent to severe tortures for acceptance of the accusation declared against him. He was half-dead beaten in police office and his all teeth were broken.

All judicial processes were held in Azerbaijan related to the case of Mubariz Abdullayev and European Court on Human Rights was applied.

88. Hasanli Gunel Jamil qizi

Date of detention: By the judgment of Yasamal District Court adopted on 23 February 2015, Gunel Hasanli was sentenced to 1.5 years in penal colony. On 19 November 2015, Baku Court of Appeals upheld the decision of the first instance court.



Charge: Article 263.1 of the Criminal Code (Violation of traffic rules or rules of use of transport vehicle by a person driving automobile, tramway or other transport vehicle, while causing not grave or grave damage to the victim due to negligence)

Brief information on the case: Gunel Hasanli is daughter of Jamil Hasanli, Chairman of the opposition National Council of Democratic Forces. Jamil Hasanli was the single candidate of the united opposition in the 2013 presidential elections and was very critical of President Ilham Aliyev and the current ruling forces. He is still in the same political position.

The court found Gunel Hasanli guilty in crushing by car Adila Salimova, an 87 year-old woman. During the court hearing, Adila Salimova said that the policemen forced her to submit a complaint about Gunel. She noted that she has no injury, because she herself touched the car when the car was going on a very low speed. After this, Gunel Hasanli took her to a hospital, where she was examined and no injury was found out. Adila Ismayilova gave video interviews several times and reiterated that Gunel Hasanli was innocent and did not cause her any damage or injury. However, the court upheld that Gunel Hasanli was guilty.

Gunel Hasanli's lawyer Adil Ismayilov said that the pretrial investigation was conducted in an unfair and biased manner, accompanied by violations of law: "The laws were seriously violated while conducting forensic examinations. The same person has determined medical examination twice. There is no document amongst materials of the case as to whether the expert examination was conducted on compulsory or voluntary basis. Medical documents supporting experts' opinion have not been attached to the opinion. So, the expert opinion does not reflect the reality, is not supported by documents and is biased."

By the judgment of Yasamal District Court adopted on 23 February 2015, Gunel Hasanli was sentenced to 1 year and 6 months in penal colony. On 19 November 2015, Baku Court of Appeals upheld the decision of the first instance court.

Jamil Hasanli stated that his daughter was punished due to his political activity. Domestic and international human rights organizations, as well as the Working Group on political prisoners consider the court verdict against Gunel Hasanova, who is a mother of two underage children, politically motivated.

89. Zahidov Rufat Farasat oglu

Date of detention: 20 July 2015

Charge: Article 234.4.1 of the Criminal Code (Illegal preparation, manufacturing, obtaining, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors – while committed by a group formed in advance or by an organized group)

Place of detention: Kurdakhani Pretrial Detention Facility

Brief information on the case: Rufat Zahidov is a nephew of Ganimat Zahid, Chief Editor of *Azadliq* newspaper and Editor of the TV program “Azərbaycan saati” [Azerbaijani Hour], currently residing in France. On 20 July 2015, Rufat Zahidov was detained by the officers of Internal Ministry’s General Department for Fighting Narcotics at his workplace located in Yasamal district of Baku. The police claimed to have found 5 grams of heroin in his pocket and his car. He was charged in accordance with Article 234.4.1 of the Criminal Code and was detained by a court decision. His father Farasat Zahidov said that his son was not guilty and has not committed any crime. He also noted that their house was under surveillance by unknown people prior to the detention of his son.

Persecutions against Ganimat Zahid’s relatives started after his TV program which was very critical of the government of Azerbaijan. In his interview to *Azadliq Radiosu* (RFE/RL), Ganimat Zahid expressed his confidence that what happened was connected with his TV program “Azərbaycan saati”: “I have no doubt that these arrests and repressions are connected with “Azərbaycan saati”. There is no other reason. Everybody knows that “Azərbaycan saati” is getting more and more popular and informs the population of the realities of this country. Therefore, the government wants to influence me through persecuting my relatives”.

90. Zahidov Rovshan Agazahid oglu

Date of detention: 20 July 2015

Charge: Article 234.4.1 of the Criminal Code (Illegal preparation, manufacturing, obtaining, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors – while committed by a group formed in advance or by an organized group)

Place of detention: Kurdakhani Pretrial Detention Facility

Brief information on the case: On 24 July 2015, investigation search was conducted in the houses of relatives of Ganimat Zahid, Chief Editor of *Azadliq* newspaper and Editor of the TV program “Azərbaycan saati” [Azerbaijani Hour], currently residing in France. The

officials conducted search at the houses of his mother Khadija Zahidova and his nephew Khaqani Zahidov, who live in Meysari village of Shamakhi district (120 km west of capital Baku), as well as, at the house of his cousin Rovshan Zahidov, who lives in Qurdtapa village of Shamakhi district. Rovshan Zahidov himself received an administrative arrest for 25 days a few days earlier – on 20 July.

It was unknown which law enforcement body exactly carried out the search. Family members told the “Voice of America” that the officials seized from Khadija Zahidova’s house a computer, which she used for communicating with her family members away. Nothing was found at the house of Khagani Zahidov.

During the search at the house of Rovshan Zahidov, narcotics were ‘found’. R. Zahidov’s brother Agasadig Zahidov told the “Voice of America” that the around 15 people in civilian clothes and police uniforms participated in the search. He noted: “They did not allow anybody into my brother’s house. Only Rovshan’s wife Leyla was inside. She said that in front of her eyes, they put something wrapped in paper into the pocket of Rovshan’s work jacket and then said, there is narcotic here”.

According to Agasadig Zahidov, Rovshan does even smoke cigarette. He said: “By conducting a search in my brother’s house and as though, finding narcotics, they want to open a criminal case against him. But everybody knows that all these persecutions against my brother and relatives are connected with the journalistic activities of Ganimat Zahid”. Persecutions against Ganimat Zahid’s relatives started after his TV program which was very critical of the government of Azerbaijan. In his interview to *Azadliq Radiosu* (RFE/RL), Ganimat Zahid expressed his confidence that what happened was connected with his TV program “Azərbaycan saati”: “I have no doubt that these arrests and repressions are connected with “Azərbaycan saati”. There is no other reason. Everybody knows that “Azərbaycan saati” is getting more and more popular and informs the population of the realities of this country. Therefore, the government wants to influence me through persecuting my relatives”.

91. Agabeyov Nazim Mais oglu

Date of detention: 23 July 2015

Charge: Article 234.4.3 of the Criminal Code (Illegal preparation, manufacturing, obtaining, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors in large amount)

Place of detention: Kurdakhani Pretrial Detention Facility

Brief information on the case: On 23 July 2015, while driving from home to work, Nazim Agabeyov was detained near “Bol Market” located in Mir Calal Street of Binagadi district by the officers of the Baku City Main Police Department’s Narcotics Unit and taken to the Baku City Main Police Department. It was stated that during the search

conducted in his clothes and car, heroin in large amount (6.213 grams) was found. On 24 July, N. Agabeyov was charged in accordance with Article 234.4.3 of the Criminal Code, and by the decision of Khatai District Court of Baku (Judge Ibrahim Ibrahimli) he was detained for 4 months and sent to the pretrial detention facility located in Kurdakhani. On 29 July, Baku Court of Appeals (chaired by Judge Ilgar Murguzov) reviewed his appellate complaint submitted by his lawyer Adil Ismayilov and sustained the decision of the first instance court.

Nazim Agabeyov is brother-in-law of Emin Abdullayev (Milli), former prisoner of conscience and head of *Meydan TV*, currently residing in Germany.

Talking about this issue, Emin Milli noted that the government of Azerbaijan continues its practice of punishing critical journalists and political activists by arresting, taking hostage their relatives. According to him, the detention of his brother-in-law is an attempt to silence him and *Meydan TV*. Nazim Agabeyov is an IT specialist and has never been involved in politics. The charge put against him in accordance with Article 234.4.3 of the Criminal Code envisaged imprisonment from 5 to 12 years.

Operating since 2013, *Meydan TV* is an independent online TV critical of the government. It has gained a wide popularity in the Azerbaijan, as they have been publishing articles and videos about corruption of the government, as well as other critical materials.

Baku office of *Meydan TV* stopped its activities on 9 December 2014. After the 1st European Games held in Baku in summer 2015, journalists and writers cooperating with this TV have been frequently summoned to investigation (by the prosecutor's office and police), journalists, their family members and relatives have been intimidated, and several journalists have been banned to leave the country.

Shirin Abbasov, a journalist cooperating with *Meydan TV*, was detained on 16 September 2015 by the Internal Ministry's Main Department for Fighting Organized Crime on the charges of "unaddressed insulting" and "resistance to the police", and was arrested for 30 days by a court decision.

Special Note: Although family members of Nazim Agabeyov did not want to politicize his name and include him in the list of political prisoners, during its observations and investigation, the Working Group has concluded that this case was politically motivated.

92. Imanov Raji Vezir oglu

Date of detention: 13 October 2015

Charge: Article 234.4.3 of the Criminal Code (Illegal preparation, manufacturing, obtaining, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors in large amount)

Place of detention: Shuvalan Pretrial Detention Facility

Brief information on the case: Resident of Sumgayit city Raji Imanov's wife Gulsu Imanova said that, on the day Raji Imanov was detained, they received a call from the 3rd Police Station of Sumgayit city and were requested to bring the ID card of her husband. When her father brought took the ID card, he was told that R. Imanov was taken to the Sumgayit City Police Department. Although R. Imanov's father-in-law went to the Sumgayit City Police Department, he was neither informed about the reason of Imanov's arrest, nor given a chance to meet with him. Later, law enforcement bodies told that they found 10 grams of dried marijuana in Raji Imanov's pocket and he was detained for 3 months by a court decision. His lawyer Fariz Namazli rejected this charge as groundless. Raji Imanov is brother of writer-publicist Gunel Movlud (Imanova), residing in Georgia. Gunel Movlud has been cooperating with both Baku office of *Radio Liberty* and *Meydan TV*.

Gunel Movlud said that her brother's arrest is connected with her journalistic activities and her partnership with *Radio Liberty* and *Meydan TV*. She noted that before her two brothers' arrest, her family members and relatives were subject to pressures and her father was dismissed from work due to her cooperation with *Radio Liberty* and *Meydan TV*. After her brothers' arrest, her family members disseminated a declaration, refusing their family relationship with Gunel Movlud.

It should be noted that after the 1st European Games held in Baku in summer 2015, journalists and writers cooperating with this TV have been frequently summoned to investigation (by the prosecutor's office and police), journalists, their family members and relatives have been intimidated, and several journalists have been banned to leave the country.

Special Note: Although family members of Raji Imanov did not want to politicize his name and include him in the list of political prisoners, during its observations and investigation, the Working Group has concluded that this case was politically motivated.

93. Imanov Vekil Vezir oglu

Date of detention: 13 October 2015

Charge: Article 234.4.3 of the Criminal Code (Illegal preparation, manufacturing, obtaining, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors in large amount)

Place of detention: Kurdakhani Pretrial Detention Facility

Brief information on the case: In the evening of the day he was arrested, Vekil Imanov was coming home in a car together with his co-workers in Bilasuvar district, where he lives. According to his co-workers, they were 4 persons in the car. Shortly after they drove from the place of work, the police stopped their car and asked who Vekil Imanov was. Once Vekil Imanov introduced himself, he was taken to the Bilasuvar District Police

Department. When his family members went to the police department, they were not allowed to meet with Vekil Imanov; nor were they informed about the reason of his arrest. Later, Vekil Imanov was detained for 4 months by a court decision.

At that time, his lawyer Nemat Karimli told *BBC Azerbaijani Service* that in the court decision it was written that 6.48 grams of dried marijuana was found in the pocket of Vekil Imanov's coat. The lawyer said: "It is a political order; the text of the decision has been copied from other cases. They talk about marijuana at the top of the decision, about heroin at the bottom". By the judgment of Bilasuvar District Court adopted on 22 December 2015, Vekil Imanov was imprisoned for 1 year.

Vekil Imanov is brother of writer-publicist Gunel Movlud (Imanova), residing in Georgia. Gunel Movlud has been cooperating with both Baku office of *Radio Liberty* and *Meydan TV*.

Gunel Movlud said that her brother's arrest is connected with her journalistic activities and her partnership with *Radio Liberty* and *Meydan TV*. She noted that before her two brothers' arrest, her family members and relatives were subject to pressures and her father was dismissed from work due to her cooperation with *Radio Liberty* and *Meydan TV*. After her brothers' arrest, her family members disseminated a declaration, refusing their family relationship with Gunel Movlud.

It should be noted that after the 1st European Games held in Baku in summer 2015, journalists and writers cooperating with this TV have been frequently summoned to investigation (by the prosecutor's office and police), journalists, their family members and relatives have been intimidated, and several journalists have been banned to leave the country.

Special Note: Although family members of Vekil Imanov did not want to politicize his name and include him in the list of political prisoners, during its observations and investigation, the Working Group has concluded that this case was politically mot