

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

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Covering the period up to 25 November 2016

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INTRODUCTION

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

*The list was developed by the **Working Group on a Unified List of Political Prisoners in Azerbaijan**, which brings together human rights defenders, lawyers, journalists and experts. The list includes cases of people arrested or remaining in prison by December 2016.*

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

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

- A. Journalists and bloggers
- B. Writers/poets
- C. Human rights defenders
- D. Youth activists
- E. Politicians
- F. Religious activists
- G. Lifetime prisoners
- H. Others

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

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THE DEFINITION OF POLITICAL PRISONERS

This Report has been developed on the basis of the criteria set by the Parliamentary Assembly of Council of Europe Resolution 1900 of 3 October 2012.¹

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

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

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

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

In the Report, Amnesty International has been referred to in the cases of those recognized as a prisoner of conscience in line with the criteria of this organization.²

¹ <http://bit.ly/1piq992>

² <http://bit.ly/18KQFUz>

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, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in large amount*)

Prison: Prison No. 13



Case summary: Before his arrest, Abdul Abilov, NIDA Movement member was the administrator of *Yaltaqlara Dur Deyək* (Let's say no to sycophants), a Facebook page with increasing popularity, as well as other social media pages of a critical nature. Abilov created another Facebook page on election fraud after the 9 October 2013 presidential elections and ran the page until his arrest. This page widely spread photos, video records and documents showing election fraud. The social media activist was arrested on 22 November 2013 by officers of the Organized Crime Department of the Ministry of Internal Affairs. The next day, 23 November, he was sentenced to three months of pre-trial detention by the Narimanov District Court. Although by law he ought to have been taken to investigative prison after the sentence was issued, Abilov was taken back to the police station, where he was unlawfully held until 27 November. On 29 November, Baku Court of Appeal 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 his notebook. 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 openly told that he was arrested because of his Facebook posts. He said that he had been handcuffed in the street and taken 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 himself. 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. The monitoring of the court hearings on his case confirms that the charges brought against the blogger have not been proven and that he has been jailed solely for his activities on social networking sites.

Abilov was sentenced to 5.5 years in jail under the judgment of the Baku Court of Grave Crimes dated 27 May 2014. Baku Court of Appeal upheld the judgment on

17 November 2014, which the Supreme Court confirmed on 26 February 2015. In May 2016, the European Court of Human Rights started proceedings regarding violation of Articles 5 and 18 of the European Convention on the Protection of Human Rights and Fundamental Freedoms in Abilov's case.

Amnesty International has recognized Abdul Abilov as a prisoner of conscience.³

2. Nijat Nazim oglu Aliyev

Date of arrest: 21 May 2012

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



Prison: Prison No. 2

Case summary: Aliyev is the editor-in-chief of www.azadxeber.az, a religious-oriented website of a critical nature. 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 Eurovision, after spreading these materials and CDs containing the speeches of theologians Abgul Suleymanov and Tale Bagirov, Aliyev and nine other religious activists were promptly arrested.

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

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

³ <http://bit.ly/1R0nfuK>

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the judgment on 7 April 2016. The Supreme Court also dismissed the appeal filed against the decision of the appellate court.

Nahid Mammadov, an employee of the State Committee on Work with Religious Organizations who was invited as an expert, identified instances of inciting of national hatred in the speeches contained in the CDs, however, he failed to explain the details of these instances in the trial. Even if such speeches actually existed, the calls were not made by Aliyev. Nonetheless, Aliyev was found guilty of making such speeches. The book titled “*Möcüzəsiz möcüzə*” (“Miracle without miracle”), written by Arshad Azimzada, which was taken from the journalist’s house and authorities claimed propagates religious extremism, speaks about treating a human body by fasting. The book has been published in Azerbaijan and is not officially banned. However, the investigation issued an opinion against the journalist, stating that the book had been imported and reflects calls for religious extremism. During the presentation of the investigation’s findings, and while the expert was answering questions, it became obvious that the opinion had been ordered. Although the journalist himself, and his lawyer Yalchin Imanov, stated in the trials that Aliyev was tortured by police and sustained serious injuries at the time of his arrest, these claims were not investigated. Aliyev is married. He was arrested only 23 days after his wedding. Amnesty International described the charges against the journalist as questionable.⁴

3. Seymur Mashgul oglu Hazi



Date of arrest: 29 August 2014

Charge: Article 221.3 (*hooliganism, committed using items used as a weapon*) of the Criminal Code

Prison: Prison No. 17

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

On 29 January 2015, at the hearing of Absheron District Court chaired by Judge Shovkat Najafova, Seymur Hazi was sentenced to 5 years of imprisonment, while

⁴ <http://bit.ly/P8Z9vo>

the other party, Maharram Hasanov, who testified against him, was sentenced to 6 months. Hasanov is already free now. Sumgayit Court of Appeal upheld the sentence on 5 September 2015, which the Supreme Court confirmed on 15 April 2016.

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

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

Seymur Hazi had been subject to harassment and persecution prior to his arrest as well. On March 26, 2011, he was kidnapped at a similar location in Jeyranbatan settlement, where he resides, and taken to an unknown place where he was subjected to violence by unknown masked men who told him “Don’t be silly, don’t write about Ilham Aliyev”. The journalist gave an open interview to the media regarding this incident; his appeals to the law-enforcement agencies received no response and the criminal case launched upon repeated efforts was completed with no result.

Amnesty International recognized the journalist as a prisoner of conscience.⁵

4. Fikrat Faramaz oglu Ibishbayli (Fikrat Faramazoglu)

Date of arrest: 30 June 2016

Charge: Articles 182.2.1 (*extortion, committed by a group of persons on a prior arrangement*), 182.2.2 (*same action, when committed repeatedly*) 182.2.4 (*same action, when committed with the purpose of extorting property in a large amount*) of Criminal Code

Prison: Baku Pre-trial Detention Facility

Case summary: Fikrat Faramazoglu, editor-in-chief of www.jam.az portal (Journalistic Investigation Center), published regular articles on hotels and other facilities used as brothels under the patronage of officials. On 20 June, 10 days before his arrest, he published an article titled “A brothel near the head office of YAP.”⁶ The article reported that this and other brothels belonged to a person with a nickname *Antalya Mehman*, who enjoyed the patronage of high-ranking officials thereby preventing any interference from even the Human Trafficking Department of the

⁵ <http://bit.ly/29JyV26>

⁶ YAP – ruling New Azerbaijan Party (*Yeni Azərbaycan Partiyası*)

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Ministry of Internal Affairs.⁷ On 23 June, the journalist published another article identifying that the person known as Antalya Mehman was under the patronage of Vilayat Eyvazov, First Deputy Minister of Internal Affairs.⁸

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

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

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

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

⁷ <http://bit.ly/2ekKcDt>

⁸ <http://bit.ly/2edW3Uz>

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International expressed their concern regarding harassment to the lawyer and called authorities to investigate the matter⁹¹⁰.

5. Araz Faig oglu Guliyev

Date of arrest: 9 September 2012

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



Prison: Gobustan Closed Prison

Case summary: Guliyev was the editor-in-chief of www.xeber44.com, an online newspaper based in Masalli, Azerbaijan. The articles published on this website often criticized the government's policies on religion, as well as social problems of Masalli region. In connection with his activity on this website, Guliyev was repeatedly taken to the police station before his arrest, where he was told 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.

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

⁹ <http://bit.ly/2fm4yA4>

¹⁰ <http://bit.ly/2ftNYMg>

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newspaper containing religious enmity, violation of public order, weapon possession, and desecration of the national flag.

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

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

Guliyev was transferred to prison No. 14 after the Shirvan Court of Appeal delivered its judgment. On 22 December 2014, inmates in prison No. 14 protested against the death of inmate Elshad Babayev. Specifically, there were reports about Babayev's death as a result of torture and deprivation of food and water. His sister Simuzar Babayeva took photos of her brother's body, showing clear signs of violence. Nonetheless, the criminal case opened on this fact claimed that Elshad Babayev, 31, died of heart failure. Guliyev was also among the protesting inmates. As a result, he was placed in a single cell and tortured. Following this incident, the prison management turned to court requesting his transfer to a prison with a tougher regime. On March 19, 2015, Garadagh District Court ruled to keep him in Gobustan Closed Prison for the remaining 3 years of his sentence.

6. Rashad Agaaddin oglu Ramazanov



Date of arrest: 9 May 2013

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

Prison: Prison No.2

Case summary: Rashad Ramazanov, a religious follower, used to actively post micro blogs on social media networks, particularly on Facebook in which he criticized the

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governmental policy and high-ranking Azerbaijani officials, including the President.¹¹ He also was charged with drug possession, a widely used charge against activists in Azerbaijan. Following his arrest, Ramazanov was unlawfully held in the Ministry of Internal Affairs Organized Crime Department for 11 days. After repeated calls for release from local and international organizations, he was transferred to the pre-trial detention facility. Well-known lawyer Aslan Ismayilov stated that Ramazanov was subject to torture and beatings in custody. Ismayilov's appeal to relevant agencies demanding an investigation into this matter yielded no result. On the contrary, Ismayilov was himself detained by police, who told him to stop making such statements, otherwise he would be punished. A short while later, Ismayilov was dismissed from the Bar Association.

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

Amnesty International recognized Ramazanov as a prisoner of conscience¹².

B. WRITERS/POETS

7. Tofiq Xasay oğlu Hasanlı



Date of arrest: 12 October 2015

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

Prison: Baku Pre-trial Detention Facility

Case summary: Tofiq Hasanlı was one of the critics of the government and its policy. He expressed his criticism in satirical poems and posted them on his Youtube channel before spreading them through social networking sites.¹³ His poem collection *Heydərnamə (Heydarnamə)* and other satirical poems made him a target of criminal prosecution.¹⁴ In his interview to RFE/RL Azerbaijan, he said that he was threatened because of his poems and that his arrest was real.¹⁵

¹¹ <https://www.facebook.com/HAQQINqulu777>

¹² <http://bit.ly/1jYMJQI>

¹³ <http://bit.ly/29zyd76>

¹⁴ <http://bit.ly/29zztYa>

¹⁵ <http://bit.ly/29AYkap>

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Hasanli first appeared in *Qulp* (“Qulp” is Azerbaijani for “handle” – in a satire context means a “mock”), a satirical program aired on ANS TV station in 2000 with his poems. He became popular for his poem *Dirsək* (Elbow). He was then regularly invited to a program authored by critical poet Baba Punhan at the same TV station. Later, he published 7 critical poems from *Heydərnamə* on the last page of *Millətın səsi* (*Voice of the Nation*) newspaper in 2015. Once the newspaper stopped publishing, he started to cooperate with different press outlets, for example publishing 3 poems from his poem collection *İlhamlı nəğmələr* (“Inspiring songs” – a hint to the name of president – İlham, which means inspiration) in *Xural* newspaper. For these poems, he was arrested in 2005 under the charge of drug possession, which is widely used against critical voices. He was sentenced to the highest punishment allowable under that charge, i.e. 3 years in jail, though in practice, the highest punishment in such cases would be 2 years at most. In 2007, he was released under an amnesty act.

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

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

The 45-year-old poet lived in Lankaran together with his aged mother Zarifa Jalalova. Following Hasanli’s arrest, some video appeals of his mother went online. In these videos, she says that her son was arrested illegally for his poems and that he is being targeted for speaking the truth. She called on the local community to help the poet.

8. Saday Asad oğlu Şakarlı



Date of arrest: 23 December 2015

Charge: Article 182.2.4 (*extortion, when committed with the purpose of acquiring a large amount of property*) of Criminal Code

Prison: Prison No. 6

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Case summary: Saday Shakarli was arrested based on a complaint filed by Asif Jahangirov, an adviser to the Minister of Taxes. According to the charge, the poet had demanded 10,000 AZN from said official, threatening to publish discrediting reports about him on the press.

This arrest took place after the poet published his book *Qurd ürəyi* (Wolf heart) with financial support from the Ministry of Taxes (some of the poet's previous books had been published with support from Ministry of Taxes, which is acknowledged in the books as well). Following the poet's arrest, his house was searched and all copies of this book were taken and destroyed. This fact was not recorded by the law enforcement agencies.

In *Qurd ürəyi*, remarks of critical nature are made about Azerbaijan's former President Heydar Aliyev and current President Ilham Aliyev. A short passage from the book: *“President of the country, Abulfaz Elchibay abandoned his office and fled to his native village Kalaki. Those in power univocally invited Nakhchivan Supreme Assembly chairman Heydar Aliyev to run the country. A democrat, whom the people trusted and elected President, spat on the will of the people. The people's will was shattered like beads and scattered under their feet. Soviet era tribulations began repeating. They arrested those whom they wanted to arrest. From those who fled the country there is no news. Newspapers occasionally publish the list of those who were killed and refresh our memory. All the world's politicians had one goal: to get their hands on the natural resources of Azerbaijan. We have said it repeatedly that those, who have failed to evolve from a great person of their regions and tribes into a great person of Azerbaijan, see Heydar and Ilham as models of greatness. Their attitude towards Heydar Aliyev is understandable. Even today, they are afraid of him even when he is dead and believe that he will rise from the dead until he is buried. Given that 112 professors of the country think Ilham Aliyev is smarter than them and Caucasian Muslims' lifelong Sheikh ul-Islam (religious leader) Pashazade, Azerbaijani writers' lifelong Sheikh ul-Islam Anar, Azerbaijan artists', composers' and all ordinary Azerbaijani's Sheikh ul-Islams see Ilham Aliyev as an alternativeless leader for their state, then it is evident how miserable is the situation of Azerbaijan's so-called spheres of religion, science, art and literature”.*

Monitoring of the court hearings has shown that the only evidence against the poet is the testimony of the advisor to the Minister of Taxes. Neither the investigative body nor the court investigated what defamatory information about this official the poet possessed, or whether they really had had a conversation in this context. Motions lodged by the poet's attorneys in court, which could have had an impact on the merits of the case, were not granted.

On 16 May 2016, Baku Grave Crimes Court (presiding judge Afgan Hajiyev) sentenced the poet to 10 years in jail thereby granting the full sentence requested by the public prosecutor. Another unconventional instance in this case is the fact that the poet will serve his sentence in a high security prison although it was his first criminal conviction. In view of the amendments made to the criminal law regarding the amount of damage inflicted, the Baku Court of Appeal Saday Shakarli's sentence to 5 years on 3 August 2016.

C. HUMAN RIGHTS DEFENDERS

9. Aliabbas Fakhraddin oglu Rustamov

Date of arrest: 28 June 2014

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



Prison: Prison No. 10

Case summary: Aliabbas Rustamov is the head of the Yasavul Law Firm and a prominent human rights defender. Prior to his arrest, Rustamov was one of those who openly criticized the government. On his Facebook profile page, he continuously expressed strong criticism regarding the country's problems and shared critical posts. 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 applied to become a counsel at the court proceeding on tax evasion charges of prisoner of conscience Anar Mammadov (head of Election Monitoring and Democracy Training Center). Though Rustamov is considered as one of the best experts in this sphere, difficulties created in the administrative process prevented him from participating in Anar Mammadov's defense. Specifically, Mammadov's signature on his approval of Mammadli as his representative needed to be notarized. However, the prison did not afford him such ability.

On 17 March 2014, Rustamov addressed an appeal with a tough language to the President Ilham Aliyev which drew broad public attention. The appeal was first published as an open letter in newspaper *Azadliq*, and later went viral via other media outlets and social media.¹⁶

Rustamov began his appeal to the president with the following expression: "Comprehensive information about the robbery affairs of high-ranking officials is all around you". He then listed facts concerning the theft of budget funds in the amount of one hundred million manats. After the letter, Rustamov expected be arrested, and on 28 June 2014 he was indeed arrested. 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 saying that he is being accused of taking bribes. He considers his arrest to be ordered in connection with his letter to the president" - Vidadi Mammadov, *Azadliq* reporter told BBC Azerbaijan.¹⁷

¹⁶ <http://bit.ly/29NVGai>

¹⁷ <http://bbc.in/29If00u>

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

On 6 November 2015, Baku Grave Crimes Court (presiding judge Rahib Salmanov) sentenced Aliabbas Rustamov to 7 years in jail. Baku Court of Appeal upheld the sentence on 18 August 2016.

D. YOUTH ACTIVISTS

(1) Board members and activists of NIDA Civic Movement

Brief information about NIDA Civic movement

The NIDA civic movement was founded in 2011 by a group of youth who wanted freedom, justice, and truth in Azerbaijan. NIDA 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 NIDA civic movement include the following:

- Living in a free and developed country;*
- An army consisting of professionals with high fighting capacity;*
- Change of the ruling regime in a democratic manner through free and fair elections;*
- Laws that are fair and equal for everyone;*
- Free and independent media, and so on.*

NIDA is not associated with any political party, and its main objective is to achieve democratic change through peaceful means.¹⁸ Since its establishment, the movement has strived for democratic changes, organized various actions, flashmobs. The movement’s board members joined the National Council, a coalition which brought together a number of opposition parties and civil society organizations during the presidential elections held in October 2013. NIDA members actively supported the campaign of Jamil Hasanli, opposition’s single candidate.

Members of the NIDA 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 NIDA 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 drugs-related operation, and received fifteen days of administrative detention for resisting police. Gurbanli was released fifteen days later.

Arrest of members and activists of the NIDA civic movement

In protest of the deaths of young soldiers of the National Army under non-combat conditions, young activists and the parents of the soldiers gathered on 12 and 26

¹⁸ <http://bit.ly/1f0le9w>

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January 2013 in central Baku. The police used excessive force to disperse the crowd, and hundreds of protesters were arrested. Most were sentenced to administrative detention or received big fines. These mass protests and the repression against the protesters drew much attention within the country and from the international community. However, deaths of soldiers in non-combat situations continued shortly after these protests as well.

In a protest on 1 March 2013, representatives of a group of youth organizations, including NIDA, 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, authorities, as a precaution, began arresting NIDA members who usually took an active part in demonstrations.

Three activists of the NIDA including Mammad Azizov, Bakhtiyar Guliyev, and Shahin Novruzlu were arrested by the officers of the Ministry of National Security on 7 March 2013, ahead of the mass action planned for 10 March in central Baku to 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 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 did not meet 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, all national Azerbaijani TV stations aired video materials showing Azizov, Guliyev, and Novruzlu supposedly admitting their intent to commit a crime such as "sparking 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 NIDA civic movement, including so-called confessions about their involvement in committing the crime as well. 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 torture, and submitted appeals to the prosecutor's office requesting to investigate facts of torture. 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. Despite these arrests and the broadcast videos, hundreds of people, including other activists of the NIDA civic movement, joined the peaceful protest on 10 March 2013, which was dispersed through the use of excessive force by police.

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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 NIDA activist Zaur Gurbanli, were arrested.

The youths were initially charged with illegal possession of explosives and drugs. Six months after their arrest, in September 2013, a more serious charge was brought against them: organizing or taking part in mass disorders. Because of this new charge, Ayanat Akhundov, 74, grandfather of Rashadat Akhundov, committed suicide by slitting his wrists. He passed away several days later in the hospital.¹⁹

The pre-trial sentences of the youths were not changed till the trial. The trial began on 6 November 2013. First, all of the three youths arrested on 7 March 2013 stated that they had been subjected to torture during the investigation and that it was because of this torture that they gave confessional testimonies. They withdrew their preliminary testimonies. The witnesses who spoke during the trial also withdrew their testimonies given during investigation that could be evaluated against the youths. In addition, the officers of the Ministry of National Security, who were questioned as witnesses, gave confusing and inaccurate answers to the questions of the youths and their lawyers.

The NIDA members, whose so-called confessional videos were aired on TV stations where they were in fact described as criminals, sued the Ministry of National Security, General Prosecutor's Office and some TV stations for violation of their right to presumption of innocence.

All of the imprisoned NDA members were recognized by Amnesty International as prisoners of conscience.²⁰

On 6 May 2014, Baku Grave Crimes Court sentenced Rashadat Akhundov, Zaur Gurbanli and Ilkin Rustamzada to 8 years in jail, Mammad Azizov and Rashad Hasanov to 7.5 years in jail, Uzeyir Mammadli and Bakhtiyar Guliyev to 7 years in jail, and Shahin Novruzlu to 6 years in jail. On 16 December 2014, Baku Court of Appeal upheld this sentence without any change. All the imprisoned youths, except Bakhtiyar Guliyev, appealed against the judgment. Supreme Court (presiding judge Farhad Karimov) rejected the appeals of Shahin Novruzlu, Uzeyir Mammadli and Rashad Hasanov on 2 June 2015 as well. Supreme Court (presiding judge Ingilab Nasirov) also rejected the appeals of Zaur Gurbanli, Ilkin Rustamzada, Rashadat Akhundov and Mammad Azizov.

Bakhtiyar Guliyev and Shahin Novruzlu were released from prison under the pardon decree of 17 October 2014; Zaur Gurbanli and Uzeyir Mammadli were released under the pardon decree of 29 December 2014; Rashadat Akhundov, Rashad Hasanov and Mammad Azizov were released under the pardon decree of 17 March 2016. But Ilkin Rustamzada still remains in prison.

¹⁹ <http://bit.ly/1pBvONz>

²⁰ <http://bit.ly/1gJG6nt>

10. İlkin Bakir oglu Rustamzada



Date of arrest: 17 May 2013

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

Prison: Prison No. 13

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

Rustamzada used Facebook to organize a rally under the slogan “*No more soldier deaths*” in central Baku on 12 January and 10 March 2013 to protest against the illegalities and arbitrariness in the Azerbaijani army, as well as death of soldiers in non-combat situations. The protests attracted a large number of participants. Rustamzada faced pressure from the authorities 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 rally that was held on 30 April 2013 to commemorate the youth who were killed in a terrorist attack at the Azerbaijan State Oil Academy. After serving this sentence, Rustamzada was arrested a few days later and charged with hooliganism. On 12 September, along with imprisoned NIDA members, a new charge of organizing or participating in mass disorders was brought against him and his case was merged with that of NIDA activists.

Amnesty International recognized İlkin Rustamzada as a prisoner of conscience.²¹

(2) Youths who painted slogans on a statue of former president Heydar Aliyev

In the early hours of 10 May 2016, photos were spread on social networking sites and some news portals portraying graffiti painted on a statue of former President of

²¹ <http://bit.ly/1gJG6nt>

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Azerbaijan Heydar Aliyev in the center of Baku. It could clearly be seen on the photos that words “*Qul bayramınız mübarək*” (“Happy Slave Day!”) and “*Fuck the system*” were written on the plinth of the statue with symbols associated with anarchists. To note, Flower Day is held on 10 May, every year, to commemorate Heydar Aliyev’s birthday in Azerbaijan. It is of no doubt that those expressions were written on the statue in a protest to the said holiday.

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

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

Giyas Ibrahimov’s trial was held at the same court. Both activists declared in the trial that they are solely arrested for angering “big brother” by writing political slogans on the statue of his father, thus protesting cult of personality. While prosecutor requested 9 years of deprivation of liberty for Ibrahimov, the judge Anvar Seyidov made unprecedentedly sentenced the activist to 10 years of prison. Issuing harsher sentence than the one requested by prosecutor is not practiced in Azerbaijani courts.

During the hearing, it was clearly seen that the two had been subjected to beating and violence. In addition, on 12 May, lawyer Elchin Sadigov witnessed that Giyas Ibrahimov, who was held in temporary detention facility of Narimanov Police Department, was forced to sweep the premises of the police station. Mr Sadigov filed a petition requesting video records of the surveillance cameras of police department with a view to document what he had witnessed. The youths appealed to local and international community with regard to the torture they had been subject to.^{22,23}

The United Nations Working Group on Arbitrary Detention, which was visiting Baku at the time, visited the two. The statement of the Group on conclusions of the visit says that what they observed seemed to corroborate the prisoners’ accounts.²⁴

²² <http://bit.ly/1PTM4EM>

²³ <http://bit.ly/1UJy0ML>

²⁴ <http://bit.ly/25RjOtI>

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

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

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

Upon the detention of the youth, Freedom House and Human Rights Watch stated that the charges were not convincing and that the arrest was a blow to freedom of expression.^{25, 26} Amnesty International recognized both youths as prisoners of conscience.²⁷ Appeals have been sent to the European Court of Human Rights against the imprisonment sentence of both youths.

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

On 25 October, Baku Grave Crimes Court (Judge Anvar Seyidov) sentenced Giyas Ibrahimov to 10 years in jail while the public prosecutor had requested 9 years.

Giyas Hasan oglu Ibrahimov

Date of arrest: 10 May 2016

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



Prison: Baku Pre-trial Detention Facility

²⁵ <http://bit.ly/2afehU8>

²⁶ <http://bit.ly/1UZbzFm>

²⁷ <http://bit.ly/29MDXKm>

11. Bayram Farman oglu Mammadov

Date of arrest: 10 May 2016

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

Prison: Baku Pre-trial Detention Facility



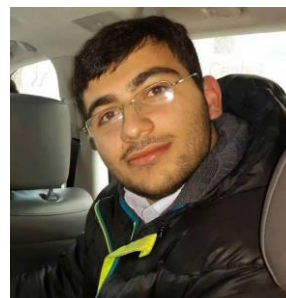
(3) Others

12. Elvin Rashadat oglu Abdullayev

Date of arrest: 08 January 2015

Charge: Article 234.1 (*illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell*) of the Criminal Code

Prison: Prison No. 14



Case summary: Elvin Abdullayev, a member of opposition APFP, stood out for his opposition position in his university (Azerbaijan Pedagogical University) and on Facebook. Shortly before his arrest, after he discussed the governmental policy with fellow students and criticized it, the vice-rector of the university invited him to his office where he told him that what he did was unacceptable. Abdullayev was one of the youths who actively worked on the eve of 10 November 2014 rally of opposition parties; he also took part in the video calling for participation in the rally.²⁸

Abdullayev was arrested after he took his exam and taken to Baku City Chief Police Office. After an 8-hour-long detention with no good reason (which is prohibited by law), he was charged with drug possession, a widely used charge against youth activists and bloggers. While he was detained in the police office for 8 hours, Abdullayev took photos of the food he had there and the handcuff on his hand and posted it on his Facebook page saying that he was detained. If he indeed had had 3 grams of alleged heroin on him, he could have easily disposed of them during this period. Also, the police would have taken his phones and other things should they have found drugs on him. As he posted the photo, his friends started to call him, but the police took his phone instead of providing information. He was also denied access to a lawyer of his choice.

²⁸ <http://bit.ly/29oRS5f>

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The youth activist has health problems. He is registered with the psychological dispensary. His vision has decreased by 85%.

Baku Grave Crimes Court (presiding judge Fikrat Garibov) sentenced him to 6 years in jail on 1 June 2015. Baku Court of Appeal upheld the sentence on 24 December 2015. On 22 June 2016, the Supreme Court decreased his sentence to 2.5 years.

The monitoring of the trial shows that Abdullayev was not proven guilty in the court proceedings. The investigator filed a motion for his arrest without having seen him in person. The motion for questioning the investigator was rejected by the judge. Dargah Guliyev, one of search witnesses, has been involved as a witness since 2008 in various drug-related cases in Baku. This casts serious doubts on his impartiality in search-witnessing. However, the court refused to investigate this detail. Other motions of the defence was rejected as well.

Amnesty International recognized Elvin Abdullayev as a prisoner of conscience²⁹.

13. Elgiz Jamal oglu Gahraman

Date of arrest: 12 August 2016

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

Prison: Baku Pre-trial Detention Facility



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

Although Elgiz Gahraman was arrested on 12 August, his relatives were only made aware of this on the evening of 14 August, when they were able to provide him with a lawyer of their choice. However, the lawyer was only able to meet with him after 19 August, when the youth activist was transferred to the Pre-Trial Detention Facility from the Organized Crime Department of the Interior Ministry. He was held in this Department for a week. He informed the public that he had been subjected to torture while he was held there. Both of his lawyers stated that Elgiz Gahraman had been

²⁹ <http://bit.ly/29JyV26>

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subjected to torture the signs (red spots) of which still remained on his abdominal area, adding that their torture-related appeals were not investigated.

E. POLITICIANS, POLITICAL PARTY ACTIVISTS

14. Zeynalabdin Bagir oglu Bagirzada



Date of arrest: 16 November 2015

Charge: Article 315.2 of the Criminal Code (*Use of force, dangerous to life or health, against a representative of authority in the exercise of his professional duties*)

Prison: Nakhchivan Boyukduz Prison

Case summary: APFP Nakhchivan Office activist Zeynalabdin Bagirzada is also a brother of Yasar Bagirsoy, head of APFP Nakhchivan Office. He made a series of speeches on legal violations in the Nakhchivan Autonomous Republic.

Bagirzada's arrest was in fact planned by the local state authorities of Babek district, where he resides. Specifically, employees of the State Social Security Fund (SSSF) of Babek region of Nakhchivan Autonomous Republic went to his house and required his wife to pay compulsory insurance dues. As his wife said that their financial situation was not good, they insulted her and left. Later Bagirzada found the employees who visited his house and asked why they insulted his wife. Their rude response led to a quarrel between them. Afterwards he freely left the area. But the employees of social security service promptly visited their office and recorded the alleged fact that Bagirzada injured one of them with a saw. They wrote a letter to the Prosecutor's Office and the employee which was claimed to have been injured was examined. Bagirzada was arrested on the basis of this complaint. The charge brought against him was not related to the merits of the case.

When issuing a verdict on Bagirzada, the court only based its decision on the complaint filed by Faig Shura oglu Ismayilov, a lead advisor at Babek district office of the State Social Security Fund of the Nakhchivan Autonomous Republic, as well as the witness testimonies of Azar Almammad oglu Mammadov, the sector head, and Vali Mehman oglu Huseynov, Yasin Huseyn oglu Nagiyev and Aslan Nizami oglu Eyvazov, the employees of the said office. The case file includes no evidence or record to prove that Bagirzada committed a crime. On the contrary, the testimonies of Bagirzada's wife and neighbours prove that the employees strongly insulted Zeynalabdin when they visited his house. The dispute and quarrel that broke out between them could have not interpreted under the brought charge. That is, the dispute between them was not related to fulfilment of the professional service of the employees.

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Zeynalabdin Bagirzada has been in administrative detention several times. He was imprisoned in 2012 under groundless charges, but later the court of higher instance released him on probation.

On 2 February 2016, Babak District Court (presiding judge Sakhavat Baylarli) sentenced Zeynalabdin Bagirzada to 8 years in jail. The Supreme Court of the Nakhchivan Autonomous Republic (presiding judge Farman Abbasov) upheld this sentence without any change on 30 March 2016.

15. Fuad Ali oglu Gahramanli

Date of arrest: 8 December 2015

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



Prison: Baku Pre-trial Detention Facility

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

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

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

10 days after the Nardaran incident, the Grave Crimes Investigation Department of the General Prosecutor’s Office summoned him via phone. He asked in what capacity he was summoned to the investigation office and whether there was an official

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notification. Having received no answer to his questions, he did not visit the investigation office. Shortly thereafter, when taking his children from school to home, police officers detained him in his courtyard and forcefully took him to the investigation office.

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

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

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

Amnesty International recognized Fuad Gahramanli as a prisoner of conscience.³⁰

16. Mammad Aziz oglu Ibrahim

Date of arrest: 30 September 2015

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



Prison: Prison No. 16

Case summary: Mammad Ibrahim is an advisor to the chairman of opposition Azerbaijan Popular Front Party (APFP) and a member of the Political Council of the party. He criticized the government on Facebook and other online platforms. He was one of the active organizers of party events and protest actions.

Mammad Ibrahim was detained two days after the Congress of APFP held on 28 September on the basis of a complaint filed by Mikayil Guliyev, who had left APFP in February 2015. Razi Nurullayev and other persons who left the party along with him created another party with the same name as an alternative to APFP. This was used by the Ministry of Justice to refuse to register the results of the Congress. Lawsuits filed in this regard were not granted by the court.

Two months later, the investigation added several more persons as victims in addition to Mikayil Guliyev, claiming that they were also victims of Mammad Ibrahim's hooliganism acts and adding to the initial charge. Oruj Valiyev and Mahammad Gurbanov testified that they suffered damage when they were trying to separate

³⁰ <http://bit.ly/29JyV26>

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Mikayil Guliyev and Mammad Ibrahim during an incident between them. However, Mammad Ibrahim did not know these two persons at all and the investigation added no evidence to the case proving otherwise. Moreover, in the hearing at Narimanov District Court, it was revealed that Mikayil Guliyev himself does not know the other two victims either.

Observation of court proceedings shows that there are strong inconsistencies between the initial testimony given by Mikayil Guliyev and the one he gave at court. He failed to explain what made it necessary to present Ibrahim as an advisor of APFP chairman in his complaint to police. After giving a testimony on 28 December 2015 and answering questions of lawyers, Mikayil Guliyev stated that he wanted to withdraw his complaint; in the courtroom, he wrote an application for truce which was added to the case file.

The other two alleged victims also gave inconsistent testimonies during court proceedings. They failed to explain when they complained to the police, how they got to know Mammad Ibrahim or how they learned his name.

On 15 March 2016, Narimanov District Court Judge Turgay Huseynov sentenced Mammad Ibrahim to 3 years in jail. On 13 May 2016, Baku Court of Appeal (Presiding Judge Aflatun Gasimov) upheld the sentence.

Mammad Ibrahim was transferred to the Treatment Facility of the Penitentiary Service on 16 July 2016. He was taken to the hospital due to a broken collarbone which necessitated surgery.

17. Ilgar Eldar oglu Mammadov

Date of arrest: 4 February 2013

Charge: Articles 220.1 (*organization of or participation in mass disorders accompanied by violence, breaking, arson, or destruction of property*) and 315.2 (*Use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties*) of the Criminal Code



Prison: Prison No.2

Case summary: Ilgar Mammadov has been engaged in politics since the restoration of Azerbaijan's independence. 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 board member of the German Marshall Fund and Revenue Watch³¹.

Mammadov is 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

³¹ <http://bit.ly/1fsL2aR>

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parliamentary republic and restore republican traditions in Azerbaijan; to build an effective government; and to guarantee rights and freedoms. Since its establishment, besides criticizing current government policies and those implementing these policies, including President Aliyev, REAL has also proposed alternative programs.

Following the referendum of March 2009 – which removed the provision limiting 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 during mass protests taking place against the local executive head of the region to learn the situation on site. He criticized the authorities for these protests.

In November 2012, Mammadov criticized parliament's ineffective operation, saying that it was comprised of MPs who had gained their seats through rigged elections. He described the parliament as a zoo. As a result, MP Adil Aliyev, who is connected to the ruling authorities, voiced a threat, saying in an interview that those who spoke like this needed to be beheaded. Ruling party MP Hadi Rajabli, the head of Parliament's Committee on Social Policy, stated that an appeal for Mammadov's arrest was ready to be submitted to the court, and that MPs continued to sign the appeal. No appeal was ever submitted. On 19 January 2013, workers at the Bina Trade Center in Baku held a protest with social requirements, which resulted in a confrontation with the police. Mammadov visited the scene of the protest, met with protesters, and learned 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 exhausting 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 Labour 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 had stated that the hotel did not belong to any official or their relatives.

Mammadov was REAL's candidate at the presidential elections of 2013. A relevant decision had been made inside the organization before his arrest. Despite his arrest, Mammadov proceeded with his candidacy for presidency. In spite of serious obstacles, his candidacy was initially registered upon submission of over 40,000 signatures to the Central Election Commission (CEC), who then refused registration claiming, without any grounds, that the signatures were false.

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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 right to presumption of innocence and described Mammadov as a criminal.

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 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 was travelling 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 reveals 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 financial or non-financial demand against the defendants.

On 17 March 2014, Shaki Court of Grave Crimes sentenced Mammadov to 7 years in jail. Shaki Court of Appeal upheld the sentence on 24 September 2014. Supreme Court annulled the decision of the appellate court on 13 October 2015 and sent the case back to the appellate court for reconsideration. However, on 29 April 2016, Shaki Court of Appeal refused to free Mammadov and upheld the 7-year-long imprisonment sentence again. The Supreme Court upheld the decision at its hearing on November 18, 2016.

Amnesty International described Mammadov's arrest as a "politically motivated prosecution,"³² and recognized him as a prisoner of conscience.³³ The

³² <http://bit.ly/QnDAbI>

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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.³⁴ The European Parliament passed two resolutions calling for Mammadov's immediate and unconditional release.

On 22 May 2014, the European Court of Human Rights announced its judgment on the application sent in connection with pre-trial detention of Mammadov, which found violation of Articles 5.1 and 5.4 (right to freedom), 6.2 (presumption of innocence) and 18 (limitations on use of restrictions on rights) taken in conjunction with Article 5 of the European Convention on the Protection of Human Rights and Fundamental Freedoms. The pre-trial detention of Mammadov was deemed ungrounded. In paragraph 143 of the European Court of Human Rights' judgment, it was concluded that Ilgar Mammadov was punished for criticizing the Government. Following ECHR judgment, the Committee of Ministers of the Council of Europe passed a number of decisions and interim resolutions, the last one issued on 21 September 2016. The decision calls for release of Mammadov from prison and reminds that measures could be taken in line with Article 46 of the European Convention on the Protection of Human Rights and Fundamental Freedoms and Article 3 of the Statute of Council of Europe.

18. Asif Gambar oglu Yusifli

Date of arrest: 25 December 2014

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



Prison: Prison No.6

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

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

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

³³ <http://bit.ly/1gJG6nt>

³⁴ <http://bit.ly/1gpkKdm>

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On 31 July 2015, Baku Court of Grave Crimes sentenced Asif Yusifli to 7.5 years in jail. Baku Court of Appeal upheld the sentence on 9 October 2015. The Supreme Court (presiding judge Ali Seyfaliyev) later reduced the sentence to 6 years.

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

F. RELIGIOUS ACTIVISTS

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

a. Taleh Bagirzada and Muslim Unity Movement

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

Four months after his release from prison, he continued his criticism of the hijab ban. Additionally, in his sermons in Baku and regions, he criticized the government and its policy, which resulted in his arrest on 31 March 2013 under drug possession charge, a widely used accusation against activists. On 1 November 2013, Taleh Bagirzada was sentenced to 2 years in jail by Sabunchu District Court. On 25 March, a few days before his arrest, he had posted one of his critical sermons on his Youtube channel.³⁵ In that speech, he stated that it won't be possible to divert him from his way by arrests and that a true believer who seeks God's protection must not be afraid of a dictator's oppression. The part of Bagirzada's speech where he criticized the government is as follows: *"We are in such a situation that we haven't spoken out until now. And now they tell not to come to this mosque. We have kept silent until now. They have occupied so many Azerbaijani places. With wrongly gained money, with the people's money they have bought so many places. Yet we are not talking about the settlement thereof. Where you have taken the lands of people, eaten the oil of people and the goods of people... You are sitting there without anyone telling anything to you. You have crossed the line. Now you want to rule inside the mosque. If it is not the crossing of a line, then what is it? This is God's place. No official, no matter how thick his*

³⁵ <http://bit.ly/2cE0tGt>

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

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neck is, cannot rule inside the mosque..Yes, they are afraid that they can lose the goods, the properties they have accumulated”.

While Bagirzada was in prison, the Muslim Unity Movement was presented on 13 January 2015. The event started with the national anthem of Azerbaijan. Then the acting chairman of the Movement Elchin Gasimov opened the event and said that the chairman of the Movement is Tale Bagirzada. He added that the Movement is led by a Management Board. Several members of the Board spoke in the event. Bagirzada's letter with regard to the Movement was read out in the event.

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

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

b. Muslim Unity Movement and its chairman Tale Bagirzada's activities

After Bagirzada's release from prison on 31 July 2015*, the operation of the Movement became more active. On the day of his release, Bagirzada severely criticized the government and its policy in his interview to media.³⁶ He said that he left the “small prison” for a “bigger prison”. He added that the country is in miserable condition and that they will continue to fight the oppressor for release of political prisoners. In his widely discussed interviews given to media after his release, Bagirzada said that the hijab problem at schools still remain unsolved. He noted that for getting a passport, hijab-wearing women are still not allowed to present photos where they wear a hijab. He added that the government needs to solve these problems rather than pressuring the believers. He described the government as illegitimate for violating rights and freedoms rather than conducting reforms.³⁷ In another interview, he said that there is no perspective for creation of an Islamic state in Azerbaijan.³⁸

Bagirzada and Movement's members started to pay visits to regions, hold meetings with people, make religious conversations and speeches as a theologian. In the 50-year anniversary event of Movsum Samadov, jailed head of Islamic Party of Azerbaijan, held on 4 September, Bagirzada made a speech saying that there is no free society in Azerbaijan and that the attitude towards political prisoners is no different than the attitude to Azerbaijani hostages in Armenia³⁹. In his speech, he talked about the importance of religious unity, the safety of Azerbaijani people, welfare and danger of conflict in a religious context.

³⁶ <http://bit.ly/2cNZSQA>

³⁷ <http://bit.ly/2cW80AC>

³⁸ <http://bit.ly/2cFTyPb>

³⁹ <http://bit.ly/2cr5nFU>

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On 27 September, in the Congress of APFP where the government position was strongly criticized, the deputy head of the Movement Elchin Gasimov made a speech.⁴⁰ In his speech, he blamed the government for subjecting the believers to repression and thanked APFP for protecting believers.

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

Taleh Bagirzada also commented on the termination of the Ministry of National Security and arrests of several high ranking officers saying that a true high treason has been committed by these persons. He also criticized the SOCAR for supplying free gas to an Armenian church in Georgia, but not supplying gas to Nardaran settlement of Baku. He strongly criticized the authorities for violation of rights in Azerbaijan.⁴¹

d. Pressures on Taleh Bagirzada and other members of Muslim Unity Movement

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

For the interview he gave on the night he was released from prison, Bagirzada was summoned to Yasamal District Police Office for two days. He was told that he should not make remarks like “to leave the small prison for a bigger prison” and that he should not defend people like Leyla Yunus. Shortly afterwards, Bagirzada publicly stated that he received a threat message via a special means and that preparations were underway for his arrest. He also noted that all mosques have been ordered not to let him into mosques to read sermons. Bagirzada added that he only reads sermon in mosques located in Nardaran and Mashtagha villages of Baku.⁴²

On 22 September, Bagirzada was summoned to the former Ministry of National Security for a so-called preventive conversation. They discussed the socio-political and religious situation in the country, saying that some remarks made by him in mosques located in Nardaran were against the state. Bagirzada blamed the government for the tension and called for a solution to the problems.⁴³

Three days later, on 25 September, Bagirzada and some of his supporters were detained and taken to police department when they were heading to Yevlakh region to attend a celebration ceremony. The police told him that they were informed of an anti-state speech to be made in Yevlakh mosque. Bagirzada told them that no speech was planned and that he was going to the mosque to pray, so he and his supporters were

⁴⁰ <http://bit.ly/2cNerW1>

⁴¹ <http://bit.ly/2dgtlpc>

⁴² <http://bit.ly/2crsCQj>

⁴³ <http://bit.ly/2dgxzNA>

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set free. In an interview given after their release, he once again stated that he is not afraid of guns, referring to the armed police officers who besieged the mosque.⁴⁴

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

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

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

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

Following the incident of 5 November, a systematic and large-scale campaign against Bagirzada kicked off in media. On 10 November, pro-governmental politologist Ilgar Altay addressed an appeal to the Prosecutor General asking for opening of a criminal case against Bagirzada and investigation of his activity. In his appeal, he described the activities of Bagirzada as strengthening of the Iranian-Persian agents' network.⁴⁵ Smear materials, including this appeal, started to spread. Xazar TV station, which is broadcast nationwide, aired a program titled "Committing provocation under the guise of religion," in which the MUM members are described as criminals, thereby violating their right to presumption of innocence.⁴⁶

⁴⁴ <http://bit.ly/2crugBx>

⁴⁵ <http://bit.ly/2d5HoeT>

⁴⁶ <http://bit.ly/2cli790>

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On 10 November, MUM activists made a statement with regard to this campaign against the MUM, saying that they are facing a smear campaign. The statement went on to say that the MUM is not engaged in anything illegal and that they have no demands outside of the framework of the Constitution and laws of the Republic of Azerbaijan.⁴⁷ Bagirzada himself also had told the media that preparations were underway for his third arrest and that he can face provocation at any time. He stated that they are struggling in peaceful ways and that they will sue those who slander them.⁴⁸ Part of the campaign against MUM concerned its lack of registration as a religious community. Mubariz Gurbanli, head of the State Committee for Work with Religious Organizations, told TV stations and newspapers that the organization did not have official registration as a religious community and that this was inadmissible. Commenting on the issue, the MUM said that it is a non-governmental organization, not a religious community and that their application for registration with the Ministry of Justice had been turned down several times.

Following 26 November operation, the public campaign against MUM and its members continued. State-run news agencies and pro-governmental mass media outlets started to publish appeals from various communities and regions criticizing the activity of MUM, accusing its members of committing crimes and supporting President Ilham Aliyev's policy.^{49,50,51} The Caucasian Muslims Office released a statement with political content at the late hours of the day the operation was held⁵².

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

e. Charges brought against Tale Bagirzada and other members, court proceedings and treatment (claims regarding heavy torturing of believers).

Following the operation carried out on 26 November, the Ministry of Internal Affairs and General Prosecutor's Office released a joint statement.⁵³ The statement says that Taleh Bagirov, Elman Agayev, Zulfugar Mikayilov and Abulfaz Bunyatov "*created a movement called Muslim Unity with the intent to change constitutional structure of the state by force and build a religious state governed by laws of shariah.*" The statement goes on to say that said persons collected supporters from Baku and other regions of the country, provided them with various types of firearms, supplies, explosives and created a criminal gang. Moreover, "*they organized illegal meetings in Nardaran settlement of Baku where they discussed the ways of raising the population*

⁴⁷ <http://bit.ly/2cWUyMy>

⁴⁸ <http://bit.ly/2cz1kay>

⁴⁹ <http://bit.ly/2d6cGQI>

⁵⁰ <http://bit.ly/2cYYZoh>

⁵¹ <http://bit.ly/2d6d6ql>

⁵² <http://bit.ly/2d6cVeA>

⁵³ <http://bit.ly/2cupLYt>

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against the government, gave instructions to their supporters and distributed summons to the people”. Concrete tasks of every member of the armed criminal gang, as well as persons in charge of committing terror acts against public officers, were determined.

A criminal case was opened at the General Prosecutor’s Office. Heavy charges brought against the imprisoned persons could result in their lifetime imprisonment. The case of a group of persons, including Taleh Bagirzada, whose investigation has been completed, has been sent to the Baku Court of Grave Crimes and proceedings are ongoing. Of four persons mentioned in the statement released by the Interior Ministry and General Prosecutor’s Office on the operation day, only Taleh Bagirzada’s investigation has been completed and sent to court, whereas it could be concluded from the statement these four committed the same criminal actions and their investigation would be done together.

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

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

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

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

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

Number of witnesses invited to the court refused from their previous statements to investigation explaining that those statements were taken under torture and threats. After their testimony in the court several witnesses were summoned or detained and taken to the Anti-Organized Crime Unit of the Interior Ministry and further subjected to threats.

Forum 18, an organization which monitors and spreads information regarding the situation of freedom of conscience enshrined in Article 18 of Universal Human Rights Declaration in different countries, released a statement on Nardaran incident.⁵⁴ Catherine Cosman, senior analyst of US Commission on International Religious Freedom, told media that she does not believe the claims regarding MUM's attempted overthrow of power adding that there are serious doubts regarding the charges brought against the imprisoned⁵⁵.

(2) Tale Bagırzada and people arrested together with him during the operation carried out in Nardaran settlement

19. Shamil Adil oglu Abdulaliyev

Date of arrest: 08 January 2016

Charge: Articles 120.2.1 (*deliberate murder, committed by a group of persons, a group of people on a prior arrangement, an organized gang or a criminal union/organisation*), 120.2.3 (*deliberate murder of the victim or his close relatives in connection with performance of service or public duty by the victim*), 120.2.4 (*murder, committed with special cruelty or in publicly dangerous way*), 120.2.7 (*murder of two or more persons*), 120.2.12 (*murder, with the motive of national, racial, religious hatred or enmity*), 29, 120.2.1 (*attempt to deliberate murder, by a group of persons, a group of people on a prior arrangement, an organized gang or a criminal union/organisation*), 29, 120.2.3 (*attempt to deliberate murder of the victim or his close relatives in connection with performance of service or public duty by the victim*), 29, 120.2.4 (*attempt to murder, with special cruelty or in publicly dangerous way*), 29, 120.2.7 (*attempt to, murder of two or more persons*), 29, 120.2.12 (*attempted murder, with the motive of national, racial, religious hatred or enmity*), 28, 214.2.1 (*preparation to a crime, terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends*) 28, 214.2.3 (*preparation to a*

⁵⁴ <http://bit.ly/2cKIrPD>

⁵⁵ <http://bit.ly/2d7kbcq>

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crime, committed with use of fire-arms or objects used as a weapon), 214-2 (public calls for actions enshrined in Articles 102, 214, 214-3, 215, 219, 219-1, 226, 227, 277, 279 or 282,⁵⁶ as well as dissemination of materials with such content), 220.2 (Calling for active insubordination towards legal requirements of representatives of the authority and to mass disorder, as well as violence against citizens), 228.3 (Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, committed by an organized gang), 228.4 (illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting), 278 (actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state), 279.1 (creation of armed formations or groups, which are not provided for by the legislation of the Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military hardware or military equipment), 281.2 (Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed repeatedly or by a group of persons), 283.2.3 (Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang) and 315.2 (Use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties) of the Criminal Code

Prison: Baku Pre-trial Detention Facility

⁵⁶ Criminal Code Articles 102 (attacks directed against an internationally protected representative of a foreign state, or on a staff member of an international organisation, or on premises or means of transport of these persons, if such acts are committed with intent to provoke a war or aggravate international relations); 214 (terrorism, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends), 214-3 (Receiving a training, with a view of perpetration of actions envisaged by Articles 102, 214, 215, 219, 219-1, 226, 227, 277 or 282 of the present Code, on the methods of perpetration of the said actions, use of firearms, explosives, toxic substances and other publicly dangerous methods of technical equipment)), 215 (the capture or detention of a hostage with a view to compel the State, an organisation, or an individual to perform or to abstain from taking any action as a condition for the release of the hostage), 219 (Stealing of aircraft, ship or railway train), 219-1 (piracy, that is, is an attack on sea and river ships with a view of capture of another's property with application of violence or with threat of application of violence), 227 (plunder or extortion of radioactive materials), 277 (attempt on the life of a statesman or a public figure, committed for the purpose of discontinuing his service or political activity, or out of revenge for such activity (terror act)), 279 (establishment of illegal armed formations or groups), 282 (Subversion, that is, perpetration of an explosion, arson, or of any other action aimed at the destruction or damage of enterprises, structures, roadways, communications and communication facilities, or vital livelihoods of the population, with the aim of undermining the economic security or the defence capacity of the Republic of Azerbaijan, or mass poisoning or spread of infectious diseases among people and animals with the same aim)

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20. Jahad Bala Huseyn oglu Babakishizada

Date of arrest: 09 December, 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

21. Tale Kamil oglu Bagirzada

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

22. Farhad Nasraddin oglu Balayev

Date of arrest: 26 November 2015

Charge: same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

23. Jabbar Amirxan oglu Jabbarov

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

24. Rasim Mirzabala oglu Jabrayilov

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

25. Bahruz Rahib oglu Askerov

Date of arrest: 09 December 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

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26. Ibrahim Mahammad oglu Khudaverdiyev

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

27. Agil Azer oglu Ismayilov

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

28. Etibar Rasim oglu Ismayilov

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

29. Abbas Abdulrahman oglu Guliyev

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

30. Zakir Tapdig oglu Mustafayev

Date of arrest: 26 December 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

31. Ali Hasrat oglu Nuriyev

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

32. Abbas Hafiz oglu Tagizada

Date of arrest: 26 November 2015

Charge: same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

33. Alibala Javad oglu Valiyev

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

34. Ramin Maharram oglu Yariyev

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case

Prison: Baku Pre-trial Detention Facility

35. Abbas Mammadbagir oglu Huseynov

Date of arrest: 26 November 2015

Charge: Same charges listed in the above case and additionally Article 233 (*organization, by a group of persons, of actions violating public order or connected to insubordination of legal requirements of a representative of authority, or infringement of the normal activity of transport, enterprise, establishment, or organization, as well as active participation in such actions*)

Prison: Baku Pre-trial Detention Facility

(3) People arrested in front of the Sabunchu District Police Office

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

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Covering the period up to 25 November 2016

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

One of these detainees Sahil Rzayev, who had been earlier arrested in the hijab protest and sentenced to imprisonment, filed an appeal saying that both him and his believer friends were subjected to heavy torture and that they did not commit any crime and peacefully protested against Elchin Gasimov's arrest. The appeal was publicized in the press.⁵⁷

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

36. Elvin Hatif oglu Bunyadov

Date of arrest: 05 November 2015

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

Prison: Baku Pre-trial Detention Facility

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

Bunyadov was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 6 years, 1 month and 15 days in jail.

37. Latif Suleyman oglu Ahmadov

Date of arrest: 05 November 2015

⁵⁷ <http://bit.ly/2drxlmI>

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Covering the period up to 25 November 2016

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

Prison: Baku Pre-trial Detention Facility

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

Ahadov was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 5 years, 11 months and 20 days in jail.

38. Anar Yusif oglu Aliyev

Date of arrest: 05 November 2015

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

Prison: Baku Pre-trial Detention Facility

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

Aliyev was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 5 years and 11 months in jail.

39. Sahil Xalid oglu Rzayev

Date of arrest: 05 November 2015

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

Prison: Baku Pre-trial Detention Facility

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

Rzayev was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 6 years, 5 months and 15 days in jail.

40. Niftali Ashraf oglu Valiyev

Date of arrest: 05 November 2015

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

Prison: Baku Pre-trial Detention Facility

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

Valiyev was sentenced by Sabunchu District Court (Judge Suleyman Agayev) to 5 years, 11 months and 10 days in jail.

(4) The case of Elchin Gasimov and others

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

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

Gasimov and his relatives stated that, similar to other arrested persons, he had been subjected to torture and inhuman treatment as well; they filed complaints to the Ombudsman's Office and other institutions. But these complaints were not properly examined.

Gasimov and his lawyers say he and his supporters were subject to torture and inhuman treatments. These concerns were addressed to Ombudsman Institution and law-enforcement bodies of the country. However, no meaningful investigation of the torture allegations have been conducted. The pre-trial sentence of Elchin Gasimov was extended on 20 September 2016 by Nasimi District Court to 26 December 2016.

Several other cases related to Nardaran case were united with the case of Elchin Gasimov and sent to the Baku Grave Crimes Court. All of the defendants in the case face similar charges.

41. Vusal Nadir oglu Alish

Date of arrest: 02 December 2015

Charge: Articles 28, 214.2.1 (*preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group of persons on a prior arrangement, an organized gang or a criminal union/organization*) 28, 214.2.3 (*preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group of persons on a prior arrangement, an organized gang or a criminal union/organization, when committed with use of firearms or objects used as a weapon*), 214-2 (*public calls for terror*), 220.2 (*Calling for active insubordination towards legal requirements of representatives of the authority and to mass disorder, as well as violence against citizens*), 228.3 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, committed by an organized gang*), 228.4 (*illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting*), 233 (*organizing actions causing violation of public order or active participation in such actions*) 278 (*actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*), 279.3 (*creation of armed formations or groups, which are not provided for by the legislation of the Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military hardware or military equipment, leading to death of people or other grave consequences*), 281.2 (*Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed repeatedly or by a group of persons*), 283.2.3 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background,*

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committed publicly or through use of mass media, by an organized gang) of the Criminal Code

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42. Seymur Tarlan oglu Aslanov

Date of arrest: 23 December 2015

Charge: all the charges listed in the case above (see #42)

Prison: Baku Pre-Trial Detention Facility

43. Elgun Anvar oglu Akhundov

Date of arrest: 01 December 2015

Charge: all the charges listed in the case above (see #42)

Prison: Baku Pre-Trial Detention Facility

44. Amirali Ismayil oglu Aliyev

Date of arrest: 03 December 2015

Charge: all the charges listed in the case above (see #42)

Prison: Baku Pre-Trial Detention Facility

45. Ramil Zabil oglu Aliyev

Date of arrest: 08 December 2015

Charge: all the charges listed in the case above (see #42)

Prison: Baku Pre-Trial Detention Facility

46. Isa Tofiq oglu Ibrahimov

Date of arrest: 18 December 2015

Charge: all the charges listed in the case above (see #42)

Prison: Baku Pre-Trial Detention Facility

47. Nahid Nasib oglu Gahramanov

Date of arrest: 02 December 2015

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Charge: all the charges listed in the case above (see #48)

Prison: Baku Pre-Trial Detention Facility

48. Farhad Mirzahasan oglu Muradov

Date of arrest: 07 December 2015

Charge: all the charges listed in the case above (see #48)

Prison: Baku Pre-Trial Detention Facility

49. Alibey Atabala oglu Shahbazov

Date of arrest: 02 December 2015

Charge: all the charges listed in the case above (see #48)

Prison: Baku Pre-Trial Detention Facility

50. Seyfaddin Nurulla oglu Shirvanov

Date of arrest: 09 December 2015

Charge: all the charges listed in the case above (see #48)

Prison: Baku Pre-Trial Detention Facility

51. Aga-ali Eldar oglu Yahyayev

Date of arrest: 05 November 2015

Charge: all the charges listed in the case above (see #48)

Prison: Baku Pre-Trial Detention Facility

52. Elchin Kamal oglu Gasimov

Date of arrest: 05 November 2015

Charge: Articles 28, 214.2.1 (*preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group*)

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of persons on a prior arrangement, an organized gang or a criminal union/organization) 28, 214.2.3 (preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group of persons on a prior arrangement, an organized gang or a criminal union/organization, when committed with use of firearms or objects used as a weapon), 214-2 (public calls for terror), 220.2 (Calling for active insubordination towards legal requirements of representatives of the authority and to mass disorder, as well as violence against citizens), 228.3 (Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, committed by an organized gang), 228.4 (illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting), 278 (actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state), 279.1 (creation of armed formations or groups, which are not provided for by the legislation of the Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military hardware or military equipment), 281.2 (Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed repeatedly or by a group of persons), 283.2.3 (Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang), 320.1 (forging a certificate or another official document providing rights or exempting from duties, in order to use or sell that document, as well as making for the same purposes, or selling forged state awards of Azerbaijan Republic, stamps, seals, forms), 320.2 (deliberate use of forged documents indicated in Article 320.1 of this Code), 221.2.2 (Hooliganism, committed by resisting a representative of authority or another person implementing his duty to protect the public order or preventing a violation of public order) and 315.1 (Violent resistance to, a representative of authority in connection with the exercise of the latter's official duties, or use against the close relatives of such a representative of authority of violence which does not pose a danger to their life or health, or the threat of use of such violence) of the Criminal Code

Prison: Baku Pre-trial Detention Facility

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

53. Elman Seydamir oglu Agayev

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Date of arrest: 29 November 2015

Charge(s): Articles 28, 214.2.1 (*preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group of persons on a prior arrangement, an organized gang or a criminal union/organization*) 28, 214.2.3 (*preparation to terrorism, that is, the perpetration of an explosion, arson, or any other action (act of terror) endangering the lives of people, causing damage to their health, causing sizable property damage, or entailing other publicly dangerous consequences, if these actions have been committed for the purpose of violating public security, frightening the population, or exerting influence on decision-making by governmental bodies and international organizations, and also the threat of committing said actions for the same ends, when committed by a group of persons on a prior arrangement, an organized gang or a criminal union/organization, when committed with use of firearms or objects used as a weapon*), 214-2 (*public calls for terror*), 220.2 (*Calling for active insubordination towards legal requirements of representatives of the authority and to mass disorder, as well as violence against citizens*), 228.3 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, their accessories, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, committed by an organized gang*), 228.4 (*illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting*), 233

278 (*actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*), 279.3 (*creation of armed formations or groups, which are not provided for by the legislation of the Azerbaijan Republic, and also participation in their creation and activity, supplying them by weapon, ammunition, explosives, military hardware or military equipment, leading to grave consequences or death of people*), 281.2 (*Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed repeatedly or by a group of persons*), 283.2.3 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang*) of Criminal Code

Prison: Baku Pre-trial detention Facility

54. Faig Arif oglu Allahverdiyev

Date of arrest: 21 January 2016

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Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

55. Eldar Ali-aga oglu Bunyatov

Date of arrest: 01 December 2015

Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

56. Elxan Heydar oglu Hasanov

Date of arrest: 11 December 2015

Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

57. Ali Hummat oglu Huseynov

Date of arrest: 01 December 2015

Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

58. Mubariz Eyyub oglu Ibrahimov

Date of arrest: 29 November 2015

Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

59. Mehman Abulfaz oglu Guliyev

Date of arrest: 01 December 2015

Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

60. Mehman Sudef oglu Mammadov

Date of arrest: 03 December 2015

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Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

61. Zulfugar Sadraddin oglu Mikayilov

Date of arrest: 26 November 2015

Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

62. Ramil Suliddin oglu Seyfullayev

Date of arrest: 29 November 2015

Charge(s): All of the charges listed in previous case (see case#54)

Prison: Baku Pre-trial detention Facility

63. Ruzi Xaliq oglu Ismayilov

Date of arrest: 26 November 2015

Charge(s): All of the charges listed in the cases ##54-63 and Article 315.2 (*use of force, dangerous to life or health, against a representative of authority, in the performance of his professional duties*) of the Criminal Code

Prison: Baku Pre-trial detention Facility

64. Jabir Sabir oglu Aliyev

Date of arrest: 26 November 2015

Charge(s): All of the charges listed in the cases ##54-63 and Article 234.4.3 (*Illegal purchase or storage with intent to sell, manufacturing, processing, transportation, transfer or selling of narcotics or psychotropic substances, when committed in a large amount*) of Criminal Code

Prison: Baku Pre-trial detention Facility

(6) Persons arrested in connection to Nardaran case and charged/convicted with minor crimes

65. Alekper Tofiq oglu Gurbanov

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Date of arrest: 05 December 2015

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

Prison: Baku Pre-Trial Detention Facility

(7) 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 with hijabs (headscarves) from entering schools. This led to disappointment among the religious community, 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 officers of law-enforcement agencies. As a result, a high number of protesters were detained. Twelve of them received imprisonment terms from 1.5 to 3 years, charged with hooliganism and violation of public order without proof. Some of the detainees who served their sentences or received early release, are not included in this report. Nonetheless, we consider 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 officers of other law-enforcement agencies. But after the use of force by police, some of the protesters had 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, has 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 have 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.

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

66. Tarlan Faiq oglu Agadashov

Date of arrest: 5 October 2012

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



Prison: Treatment Facility No. 3 for prisoners with tuberculosis

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

67. Rovshan Huseyn oglu Allahverdiyev

Date of arrest: 5 October 2012

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

Prison: Treatment Facility No. 3 for prisoners with tuberculosis

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

68. Ilham Bahman oglu Hatamov

Date of arrest: 5 October 2012

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

Prison: Gobustan closed prison

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

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69. David Tarlan oglu Karimov

Date of arrest: 5 October 2012

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

Prison: Treatment Facility No. 3 for prisoners with tuberculosis

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

70. Elshad Fikrat oglu Rzayev

Date of arrest: 23 February 2013

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



Prison: Treatment Facility No. 3 for prisoners with tuberculosis

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

71. Telman Shirali oglu Shiraliyev

Date of arrest: 05 October 2012

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

Prison: Treatment Facility No. 3 for prisoners with tuberculosis

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

(8) Religious activists arrested in Masalli in 2012

All of these persons arrested together with journalist Araz Guliyev are residents of Masalli region who are religious followers. Some are friends of Guliyev, one (Nijat

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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. Some had also attended the peaceful protest against the hijab ban at schools in late 2010. On the day the journalist was arrested, only Ziya Tahirov was with him; of the remaining persons, it was only Rza Agali who was arrested on 6 September 2012, like Guliyev. The others were arrested on different dates. Nonetheless, they were all found guilty of throwing stones at people during a disco party held as part of a folklore festival in the Masalli region, while other charges were brought against Araz Guliyev. There is no doubt that these persons were arrested for helping Guliyev. Their arrest was also intended to make the charges against Guliyev more serious, by claiming that the crime was committed by an organized gang.

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

72. Rza Gorkhmaz oglu Agali

Date of arrest: 9 September 2012

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



Prison: Treatment Facility No. 3 for prisoners with tuberculosis

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

73. Suraj Valeh oglu Agayev

Date of arrest: 15 September 2012

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



Prison: Gobustan Closed Prison

Case summary: On 5 April 2013, Agayev was sentenced to **5 years in jail** under a decision issued by Lankaran Court of Grave Crimes. Shirvan Court of Appeal upheld this ruling on 9 January 2014. The Supreme Court upheld the sentence on 4 July 2014 as well.

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74. Nicat Yaser oglu Aliyev

Date of arrest: 18 September 2012

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

Prison: Prison No. 16

Case summary: On 5 April 2013, Aliyev was sentenced to **4.5 years in jail** under a decision issued by Lankaran Court of Grave Crimes. Shirvan Court of Appeal upheld this ruling on 9 January 2014.

75. Khalid Nofal oglu Kazimov

Date of arrest: 14 September 2012

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

Prison: Prison No. 13

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



76. Namig Alisa oglu Kishiyev

Date of arrest: 18 September 2012

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

Prison: Prison No.5

Case summary: On 5 April 2013, Kishiyev was sentenced to **4.5 years in jail** under a decision issued by Lankaran Court of Grave Crimes. Shirvan Court of Appeal upheld this ruling on 9 January 2014.



77. Ziya Ibrahim oglu Tahirov

Date of arrest: 9 September 2012

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



Prison: Prison No.5

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

(9) Religious activists arrested in May 2012

Some of the persons arrested in this case are youth who, like journalist Nijat Aliyev, believed that an LGBT parade could be held in Baku on the eve of the Eurovision Song Contest in May 2012 and considered this as unacceptable for Islam. These persons attended the peaceful protest against the hijab (headscarf) ban at schools in late 2010. Some had published articles on the website that Aliyev edited and assisted to collect information.

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

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

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The evidence provided by the investigation on other charges brought against the defendants included the testimonies of police employees and search witnesses. But conflicting points in the testimonies came out during questioning in the trial. 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 Pre-trial Detention Facility to examine whether there was evidence of torture on their bodies at the time of transfer to the prison. The letter received from the prison said there was not.

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

78. Valeh Mammadaga oglu Abdullayev

Date of arrest: 9 December 2013

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

Prison: Prison No. 2

Case summary: Abdullayev was sentenced to **8 years in jail** under a decision issued by Baku Court of Grave Crimes on 9 December 2013.

79. Gorkhmaz Huseyn oglu Jamalov

Date of arrest: 18 January 2013

Charge: Articles 167.2.2.1 (*import, sale or distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), 281.2 (*Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of territorial*



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integrity of the Azerbaijan Republic, as well as distribution of materials of such contents, committed by a group of persons) and 283.2.3 (Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang) of the Criminal Code

Prison: Prison No. 10

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

80. Ali Etibar oglu Aliyev

Date of arrest: 9 December 2013

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

Prison: Prison No. 17

Case summary: Aliyev was sentenced to **4 years in jail** under a decision issued by Baku Court of Grave Crimes on 9 December 2013. Baku Court of Appeal upheld the sentence on 27 June 2014.

81. Elimkhan Gurbankhan oglu Huseynov

Date of arrest: 22 May 2012

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



Prison: Prison No. 5

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

82. Samir Khanpasha oglu Huseynov

Date of arrest: 23 May 2012

Charge: Articles 167.2.2.1 (*import, sale or distribution of religious literature, religious items and other informational materials of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 228.4 (*illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting*) and 283.2.3 (*Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang*) of the Criminal Code

Prison: Prison No. 16

Case summary: Huseynov was sentenced to **6 years in jail** under a decision issued by Baku Court of Grave Crimes on 9 December 2013. Baku Court of Appeal upheld the decision on June 27, 2014.



83. Safar Rovshan oglu Mammadov

Date of arrest: 9 December 2013

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

Prison: Prison No. 16

Case summary: Mammadov was sentenced to **3 years and four months in jail** under a decision issued by Baku Court of Grave Crimes on 9 December 2013. Baku Court of Appeal upheld the ruling on 27 June 2014.

84. Elvin Nuraddin oglu Nasirov

Date of arrest: 20 May 2012

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

Prison: Prison No. 6

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

85. Jeyhun Zabil oglu Safarli

Date of arrest: 20 May 2012

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

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basis of their national, racial or religious background, committed publicly or through use of mass media, by an organized gang) of the Criminal Code

Prison: Prison No. 6

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

(10) Chairman of Islamic Party of Azerbaijan and people arrested together with him

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

The IPA and 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 in addition to the constitution. In the appeal, Samadov stated that some of 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 strongly criticizing Minister of Education Misir Mardanov for the hijab ban, and President Aliyev for the social situation in the country.⁵⁸ 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 and his son, adding that the wealth of the Azerbaijani people and state had been stolen; there were no jobs for Azerbaijani

⁵⁸ <http://bit.ly/1mb5txL>

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youth despite the country's great wealth; injustice and bribery ruled in the country; the money spent on the Flower Festival to celebrate the birthday of former President Heydar Aliyev was essentially stolen from the people; and idolatry was promoted in the country by idolizing Heydar Aliyev. Samadov claimed that the Azerbaijani people should be alert on this issue and rise, change the ruling regime and block this oppression. Samadov's speech went viral on social media networks, particularly on YouTube, leading to broad discussions.

Five days after this speech was made, on 7 January, Samadov, his deputy Vagif Abdullayev, IPA member Elchin Hasanov, and Samadov's driver Mirhuseyn Kazimov, were arrested. Employees of the State Traffic Police stopped the car they were travelling in, and several plain-clothed people came out of a black car and took Samadov and those with him. The men were accused of resisting police. After being questioned at Narimanov District Police Station No. 19, they were taken to the Binagadi District Court, where they were sentenced to ten to fifteen days of administrative detention (Samadov was sentenced to fourteen). All except Samadov were taken to the Binagadi Temporary Detention Center. There was no information about Samadov's whereabouts for a few days; it was later reported that he was held at the Ministry of National Security.

On the day of Samadov's arrest, the Ministry of Internal Affairs released a statement saying that the Main Department to Combat Organized Crime carried out operations based on information that Samadov and his cousin from the Guba region Dayanat Samadov gave orders for mass disorders, violation of public order, and Jihad. The statement went on to say that the aforementioned department had found three units of hand grenades in the electrical shop where Dayanat Samadov worked, and seven automatic rifle cartridges in his house. A criminal case was subsequently launched. Another IPA activist, Ruffulla Akhundzadeh, as well as Dayanat Samadov, Movsum Samadov's brother-in-law Firdovsi Mammadzayev, and believers who attended 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 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 received 11 years of conditional sentence, with a five-year trial period. The Baku Court of Appeal upheld the decision on 17 May 2012, and the Supreme Court upheld the decision on 21 February 2013.

Observation of the court trials and examination of the final ruling reveals that Samadov had not entered into any criminal relationship in advance with those arrested with him. He prepared the speech he made on 2 January by himself. Deputy IPA Chairman 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

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he had criticized the authorities and called on the people to fight for the values they believed in.

The evidence used by the court was based on documents and testimonies provided by law-enforcement agencies. Most of the witnesses who testified against the defendants during the investigation withdrew their testimonies during the trial, stating that they had testified under pressure. However, when issuing a verdict, the court attributed the change in testimonies to the influence of third parties. Although the search protocol on the claimed discovery of arms in the shop where Dayanat Samadov worked named Rasim Mukhtar oglu Guloglanov as a search witness, it was later revealed in the court that his real name was Taleh Rasim oglu Piroglanov. Another search witness, Hazrat Aliyev, said that he signed the search protocol in the police department, not at the search venue. He could not explain why he had gone to the police department. Witness Ilham Sharafaddinov, who allegedly heard Dayanat Samadov's conversation with Mammadzayev in a mosque in Guba, did not recognize Mammadzayev at the trial. Another witness who claimed to have heard the same conversation, Natig Mammadov, provided his military service certification to the investigation instead of his identification card.

Although this fact casts questions on the witness' identification, the court did not pay any attention to this issue. The witness, who claimed to be a religious follower who regularly visited the mosque in Guba, failed to answer even the simplest religious questions regarding the parts of Islamic prayer, and did not know what month Ramadan was.

The case materials contained no evidence proving that 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 hard detention conditions. Despite multiple appeals from him and his lawyers regarding his inability to withstand these conditions and deterioration of his health, Abdullayev was not released. Consequently, Abdullayev passed away in the Treatment Facility of the Penitentiary Service in July 2012.

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

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

86. Faramiz Zeynal oğlu Abbasov

Date of arrest: 24 January 2011

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



Prison: Prison No. 7

87. Rufulla Hojatullah oğlu Axundzada

Date of arrest: 21 January 2011

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



Prison: Prison No. 15

88. Firdovsi Teymur oğlu Mammadrzayev

Date of arrest: 12 January 2011

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



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weapon and supplies thereof excluded) or explosives) of the Criminal Code

Prison: Prison No. 1

89. Dayanat Alasgar oglu Samadov

Date of arrest: 08 January 2011

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

Prison: Prison No. 12

90. Movsum Mardan oglu Samadov

Date of arrest: 20 January 2011

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



Prison: Gobustan Closed Prison

(11) Said Dadashbayli and Those Arrested with Him

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

From 13 January to 18 January 2007 approximately 30 people were arrested in the so-called “Said Dadashbayli case” and charged with creating a radical religious group and committing espionage for Iran. A while later, some were released, but only after testifying against the eleven defendants that were held at the Ministry of National Security’s detention facility.

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There were serious legal violations from the initial round of arrests. Ministry of National Security officers entered the apartments of the accused by force, without presenting search permits. Right in front of the parents and relatives of those being arrested and in spite of their objections, Ministry of National Security officers planted guns and other needed “material evidence” in the apartments in order to justify the arrests. These are obviously in serious violation of Azerbaijan’s Code of Criminal Procedure. Detainees were also denied access to their lawyers in initial days after their arrest.

The defendants were held in single cells at the detention facility of the Ministry of National Security from 13 January 2007 to 11 December 2007. They were periodically beaten; deprived of sleep, food, and drinking water; and given psychotropic substances. Authorities threatened to torture their relatives should the accused refuse to confess.

One of the imprisoned in this case, Emin Mammadov, passed away due to severe torture in March 2007 – there is a medical certificate verifying the cause of death. Mammadov's death was hidden from his family and public for several months. When they did find out, his family was threatened with further repression should they contact human rights defenders or try to go public. When 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, Emin Mammadov disappeared without a trace.

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

The defendants did not plead guilty during the trial. They stated that they were victims of torture and other illegal actions committed by authorities. The court found that majority of the defendants charged with starting a terrorist organization had not even known each other prior to imprisonment. Prosecutors failed to provide sufficient evidence for any of charges – the trial ended according to the will of the prosecutor.

On December 10, 2007, Baku Court of Grave Crimes (presiding judge Anvar Seyidov), sentenced Said Dadashbayli to 14 years, Rashad Aliyev to 14 years, Jeyhun Aliyev to 14 years, Farid Agayev to 13 years, Samir Gojayev to 13 years, Baybala Guliyev to 13 years, Jahangir Karimov to 13 years, Rasim Karimov to 13 years, Emil Mohbaliyev to 12 years, Mikayil Idrisov to 12 years in prison. Baku Court of Appeal upheld the verdict on 25 February 2008, and the Supreme Court followed the lead in the autumn of 2008.

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91. Farid Nadir oglu Agayev

Date of arrest: 15 January 2007

Charge: Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code



Prison: Prison No. 1

92. Said Alakbar oglu Dadashbayli

Date of arrest: 15 January 2007

Charge: Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 204.3.1 (*Manufacturing or selling of counterfeit money or securities, by an organized gang*), 204.3.2 (*Manufacturing or selling of counterfeit money or securities, in a large amount*), 218.1 (*creation of a criminal organisation in order to commit serious or especially serious crimes, as well as management of such organisations, structural divisions included, and also the creation of organisers' associations, heads or other representatives of the organised groups with plans to develop and conditions for committing of serious or especially serious crimes*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 228.4 (*illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting*), 234.1 (*illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell*), 274 (*High treason, that is, deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of state secrets to foreign state, rendering assistance to a foreign state, foreign organization or their representatives resulting in hostile activity against the Azerbaijan Republic*)) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code



Prison: Prison No. 15

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93. Jeyhun Saleh oglu Aliyev

Date of arrest: 15 January 2007

Charge: Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 274 (*High treason, that is, deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of state secrets to foreign state, rendering assistance to a foreign state, foreign organization or their representatives resulting in hostile activity against the Azerbaijan Republic*)) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code



Prison: Prison No. 7

94. Rashad Ismayıl oglu Aliyev

Date of arrest: 13 January 2007

Charge: Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 204.3.1 (*Manufacturing or selling of counterfeit money or securities, by an organized gang*), 204.3.2 (*Manufacturing or selling of counterfeit money or securities, in a large amount*), 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code



Prison: Prison No. 11

95. Mikayıl Garib oglu Idrisov

Date of arrest: 15 January 2007

Charge: Articles 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*) and 278 (*Actions aimed at usurping state*



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power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state) of the Criminal Code

Prison: Prison No. 1

96. Jahangir Ramiz oglu Karimov

Date of arrest: 15 January 2007

Charge: Articles 28.2 (*preparation of serious and especially serious crimes*), 180.3.1 (*robbery, by an organized gang*); 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*), 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*), 274 (*High treason, that is, deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to enemy side, espionage, distribution of state secrets to foreign state, rendering assistance to a foreign state, foreign organization or their representatives resulting in hostile activity against the Azerbaijan Republic*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code



Prison: Prison No. 1

97. Rasim Rafiq oglu Karimov

Date of arrest: 20 January 2007

Charge: Articles 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs*) and 278 (*Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state*) of the Criminal Code



Prison: Prison No. 11

98. Samir Edik oglu Gojayev

Date of arrest: 17 January 2007

Charge: Articles 218.2 (*Participation in criminal organization or in association of organizers, heads or other representatives of*



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organized gangs) and 278 (Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state) of the Criminal Code

Prison: Prison No. 7

99. Beybala Yahya oglu Guliyev

Date of arrest: 13 March 2007

Charge: Articles 218.2 (Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs), 228.1 (Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives), 228.2.1 (Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives, by a group of persons on a prior arrangement), 228.4 (illegal purchase, selling or carrying of a gas weapon, cold steel, as well as a throwing weapon, except for places where carrying of a cold steel is an accessory of a national suit or is connected to hunting) and 278 (Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state) of the Criminal Code



Prison: Prison No. 11

100. Emil Nuraddin oglu Mohbalyev

Date of arrest: 15 January 2007

Charge: Articles 218.2 (Participation in criminal organization or in association of organizers, heads or other representatives of organized gangs) and 278 (Actions aimed at usurping state power or forcible retention of power in violation of the Constitution of the Republic of Azerbaijan, as well as forcible change of constitutional structure of the state) of the Criminal Code



Prison: Prison No. 15

(12) The case of followers of the Nur movement

The criminal case No. 1086 was launched by the Ministry of National Security of the Republic of Azerbaijan (The Ministry was annulled in October 2015). On 12 April 2014, Ismayil Isakh oglu Mammadov and Eldaniz Balamat oglu Hajiyeve were detained in the capacity of accused persons. On 14 April 2014, the court adopted a decision on their two-month pre-trial detention. On 23 May 2014, another

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accused person, Ravan Hakim oglu Sabzaliyev, was placed in pre-trial detention for two months. Later, the term of pre-trial 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 neighbourhood, disturbed their comfortable life. On 12 April 2014, Ministry of National Security and Ministry of Internal Affairs of the Republic of Azerbaijan conducted a joint 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 fact that all the neighbours wrote the same text of complaint on the same day – 12 April 2014 - 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 followers at any cost. However, the real intention of this group was to peacefully promote so-called “sungur” offshoot of the Nur movement, 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 probability that the three accused persons have used violence or violated the laws of the Republic of Azerbaijan, all three of them were placed in pre-trial detention. Although 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 needed 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 – the collection of Said Nursi - 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 custody of these three persons was changed to house arrest.

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

On 7 October 2015, Yasamal District Court issued a judgment on imprisonment of the accused for varying terms, and persons who were not remanded in custody were arrested in the courtroom, which was not mentioned in the judgment though. On 9 October, the court held another hearing where it sentenced these persons to remand in custody. Under 19 April 2016 decision of Baku Court of Appeal, Zakariyya Mammadov and Shahin Hasanov were released on probation, while Ravan Sabzaliyev was set free as his sentence expired. The prison sentences of Eldaniz Hajiyev and

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Ismayil Mammadov were reduced to 2.5 years. Supreme Court upheld this judgment in October 2016 without any change. Eldaniz Hajiyev and Ismayil Mammadov are held in a penal colony settlement, i.e. a minimum-security prison.

101. Eldaniz Balamat oglu Hajiyev

Date of arrest: 12 April 2014

Charge: Articles 167-2.2.1 (*import, sale or distribution of religious literature, religious items and other informational materials (in print or electronic media) of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), 168.1 (*organizing, leading or participating in a group that functions under the guise of promoting religious faiths and implementing religious ceremonies thereby violating public order or damaging the health of citizens or violating rights of citizens irrespective of the form of infringement, and also distracting citizens from performing their duties established by the law*) and 168.2 (*implementation of religious ceremonies and thus infringing rights of the citizens (involving minors in commitment of these acts)*) of the Criminal Code

Prison: Penal Colony Settlement No. 2

102. Ismayil Isakh oglu Mammadov

Date of arrest: 12 April 2014

Charge: Articles 167-2.2.1 (*import, sale or distribution of religious literature, religious items and other informational materials (in print or electronic media) of religious nature with the aim of reproduction, sale and distribution without appropriate authorization, when committed by a group of persons on a prior arrangement or by an organized gang*), 168.1 (*organizing, leading or participating in a group that functions under the guise of promoting religious faiths and implementing religious ceremonies thereby violating public order or damaging the health of citizens or violating rights of citizens irrespective of the form of infringement, and also distracting citizens from performing their duties established by the law*) and 168.2 (*implementation of religious ceremonies and thus infringing rights of the citizens (involving minors in commitment of these acts)*) of the Criminal Code

Prison: Penal Colony Settlement No. 2

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(13) Others

103. Elnur Shakir oglu Javadov

Date of arrest: 18 mart 2016-cı il

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

Prison: Ganja Pre-Trial Detention Facility

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

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

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

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

104. Abgul Neymat oglu Suleymanov

Date of arrest: 12 August 2011

Charge: Articles 228.1 *(Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives)*, 233 *(Organisation, by a group of persons, of actions which grossly breach public order, or are associated with insubordination to lawful*



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demands of a representative of authority, or cause disruption of the normal functioning of transport, enterprises, bodies and organisations, as well as active participation in such actions), 234.1 (illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell), 234.4.3 (manufacturing, processing, transportation, transfer with the intent to sell, or selling of narcotics or psychotropic substances, when committed in a large amount) and 283.2.1 (Incitement of national, racial, social or religious hatred and hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly or through use of mass media) of the Criminal Code

Prison: Prison No. 11

Case summary: 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 on a mobile basis, helped to establish the “National Moral Values” Public Union in 2005. The same year, he took an active part in the protest held in front of the Ministry of Foreign Affairs against cartoons made in Denmark portraying the Prophet Mohammad. Suleymanov also took part in peaceful protests held in front of the Israeli Embassy in Baku on International Jerusalem Day every year between 2006 and 2010. Following a decision issued by the Economic Court related to the destruction of the Fatimeyi-Zahra mosque in 2009, 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 IPA member Arif Gulsuvar oglu Ganiyev who were arrested together with him were suspected of assisting a foreign state and its delegates in conducting enmity against Azerbaijan, as well as inciting mass disorders and violation of public safety, and encouraging people for disobedience. The statement went on to say that Suleymanov, with financial support from the Baku-based Cultural Center of the Islamic Republic of Iran, created and led a radical religious group called “Jafari” without official state registration. Group members allegedly promoted religious radicalism and organized, prepared, and distributed to religious followers brochures propagating religious division and discrimination. The website www.islam-Azeri.az was allegedly created to expand propaganda conducted by so-called “Jafari” radical religious group, and Ramin Bayramov was assigned to lead the website.

All three were sentenced to pre-trial detention. Although they were subject to a joint investigation, their trials were conducted separately, in conflict with the statement released on 12 August. The district courts sentenced Ramin Bayramov and Arif Ganiyev to 1.5 years in jail (Ramin Bayramov was recognized by Amnesty International as a prisoner of conscience; both men have since been released). But

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

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

The issues noted in the joint statement of the MNS and the Prosecutor General's Office released on 12 August 2011, particularly the establishment of a criminal group, the accusation that the group had received instructions from Iran, the operation of Bayramov's website, and other issues of this kind, were not covered in the investigation or the trial at all. This fact also shows that Suleymanov was arrested hastily and under a political order.⁵⁹

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), to transfer Suleymanov to the Gobustan maximum security prison for six months. As a result of appeals

⁵⁹ <http://bit.ly/1hiq3vA>

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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. LIFETIME PRISONERS

Former Special Purpose Police Detachment (SPPD) members

As a war erupted between Azerbaijan and Armenia as a result of separatist developments in Nagorno-Karabakh beginning from 1988 and the collapse of the Soviet Union in the early 1990s, Special Purpose Police Detachment (SPPD) took part in military operations under the leadership of Rovshan Javadov, the commander of this group. Following the initial battles in the war, Javadov rose to the rank of colonel, and his unit was named as “Special Purpose Police Detachment” (SPPD). In 1991, several SPPD members were awarded the title of “National Hero” for their heroism in the war. In 1993, Javadov was appointed by former President Heydar Aliyev (father of current President Ilham Aliyev) as the Deputy Minister of Internal Affairs for his immense role in bringing him to power. SPPD remained under the control of the Ministry. Elchin Amiraslanov, who is on this list, was appointed the Commander of the Gazakh branch of the SPPD. However, a while later, serious discrepancies emerged between Javadov and Heydar Aliyev, and gradually escalated. In January 1995, Amiraslanov and members of SPPD Gazakh stopped the smuggling of oil from the Shikli village of the Gazakh region to Armenian territory. They handed over 22 tankers to the Gazakh Regional Police Department. Amiraslanov made a speech on a state-run television station criticizing the failure to detain those who had attempted to transfer oil to Armenia. Following this, the conflicts between SPPD members and Heydar Aliyev moved to an open fight. On 13 March 1995, there was an attack on the SPPD Gazakh branch resulting in a bloody battle. On 14 March, Minister of Internal Affairs Ramil Usubov (who remains in this position to this day), issued an order to discharge SPPD and take their arms within three days. However, an armed confrontation took place between interior troops and SPPD members on the night of 16 March near the SPPD office in Baku. As a result, Rovshan Javadov died in the hospital of the Ministry of Internal Affairs due to the heavy wounds he sustained.

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

According to the charge brought against the prisoners, Safa Poladov and Arif Kazimov, instructed by Elchin Amiraslanov, killed the police chief of the Gazakh region, and the chief of the MNS department for Gazakh-Agstafa in the “Akasiya” restaurant located in the Gazakh region. Although all three prisoners were charged with high treason and sentenced to the death penalty, the merits of this charge were not proven by the investigation or the court. Amiraslanov was also charged with

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participating in the murder of Special Office Chief Shamsi Rahimov, and Deputy Head of the National Assembly Afiyaddin Jalilov.

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

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

In interviews and articles published by media in 2010 and 2011, former MNS officer Ramin Nagiyev, who now lives abroad in political asylum, stated that the murders, which were claimed to have been committed by SPPD members, were actually committed by former Head Operation Officer of the Ministry of Internal Affairs Main Criminal Search Office Haji Mammadov, who was arrested in 2005. Nagiyev had been a member of the investigation team looking into the murder of Shamsi Rahimov and Afiyaddin Jalilov, before he was expelled from the investigation in 1995 without any reason given.⁶⁰ Nagiyev's statements have not been officially dismissed.

Lifetime imprisonment sentence could not have been applied

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

According to Article 147 of the Constitution of Azerbaijan adopted on 12 November 1995, the Constitution has the highest legal power in Azerbaijan. The Constitution has direct legal power, and serves as the basis of the country's legislative system. According to the seventh paragraph of Article 149 of the Constitution, normative-legal acts improving the legal situation of physical persons and legal entities, eliminating or mitigating their legal responsibility, have retrospective effect. Other normative-legal acts have no retrospective power. According to Article 23 of the Criminal Code, under which the SPPD members were charged, when the death penalty was replaced with imprisonment through pardon, the prison sentence could be more than 15 years, but no more than 20 years.

⁶⁰ <http://bit.ly/1f0C3kt>

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As such, the replacement of the death penalty with sentences of life in prison aggravates the legal situation of the SPPD members in comparison with alternative punishments envisaged in the 8 December 1960 law of the Azerbaijani SSR, under which they were charged. That is, according to the Criminal Code approved under the 8 December 1960 law of Azerbaijani SSR, if the death penalty is annulled in any manner (such as through pardon), that penalty could be replaced with an imprisonment term for more than 15 years, but not more than 20 years. Thus, the alternative for the death penalty enshrined in the said Code was a term of imprisonment for more than 15 years, but not more than 20 years. So the death penalty should have been replaced with a maximum sentence of 20 years of imprisonment in 1998.

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

The Council of Europe considers these persons to be political prisoners

On 31 January 2001, a few days after Azerbaijan and Armenia joined the Council of Europe on 25 January; the Committee of Ministers of the Council of Europe approved the initiative of Secretary General Walter Schwimmer concerning the assignment of three independent experts to investigate a list of 716 presumed political prisoners in Azerbaijan. The Secretary General appointed these experts in February 2001. In July 2001, the experts developed and disseminated a report covering the conclusions of the investigations concerning the presumed political prisoners in Azerbaijan and Armenia. Paragraph 19 of this report contained a list of 23 persons (due to time constraints and a lack of data, only these cases were investigated) who were assessed by the group of experts and determined to be political prisoners or not. Amiraslanov and Kazimov were on this list, and were considered to be political prisoners.⁶¹ The Parliamentary Assembly of Council of Europe (PACE) adopted Resolution No. 1272 on “Political Prisoners in Azerbaijan” on 24 January 2002. In paragraph 10 of this Resolution, PACE called on the Azerbaijani government to release Amiraslanov and Kazimov, along with the other political prisoners.⁶²

Continuing their activity under their new mandate, the independent experts, in their report of 12 May 2003, concluded that Poladov was also a political prisoner.⁶³ 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

⁶¹ <http://bit.ly/1hEhLL3>

⁶² <http://bit.ly/1h3hjoL>

⁶³ <http://bit.ly/P93b7e>

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considered to be political prisoners by independent experts.⁶⁴ In follow-up to Resolution No. 1359, PACE adopted a report on 31 May 2005. Paragraph 26 of this report stresses that three persons determined to be political prisoners by the independent experts – Amiraslanov, Kazimov, and Poladov - still remained in prison, and expressed concern over this.⁶⁵ Documents adopted by PACE in the following years continued to stress that the three men were political prisoners.

A large number of political prisoners, who were not assessed by the independent group of experts, were released from prison in the following years. Although the life sentence of another SPPD member Dayanat Karimov, as well as that of former Prime Minister Surat Huseynov's cousin Karamat Karimov, was replaced with 25 years in prison under a pardon decree, 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 respectively.

105. Elchin Samad oglu Amiraslanov

Date of arrest: 10 December 1996

Charge: Criminal Code (of 1960) Article 57 (*High treason*); Article 57-1, Part 2 (*Use of the Armed Forces of the Republic of Azerbaijan and other armed units established by the legislation of the Republic of Azerbaijan against the Azerbaijani people or constitutional state bodies, resulting in grave consequences*); 15 (*Preparation of a crime or attempting a crime*) and Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); 17 (*participation*) and Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); 15 (*Preparation of a crime or attempting a crime*), 17 (*participation*), 59 (*killing a state figure or public figure or representative of authority under political motivation*); 70 (*Organizing armed bands to attack state bodies, offices, organizations or public enterprises, offices, organizations or individuals, or participation in such bands and the attacks organized by them*); Article 70-2, Part 1 (*Establishing armed units or groups not envisaged in legislation, as well as participating in the establishment or operation thereof, supplying them with arms, weapons, explosives, military hardware or military equipment*); Article 70-2, Part 3 (*Attacking state or public institutions, offices, organizations or individuals in the composition of armed units or groups not envisaged in legislation, leading to death of people or other grave consequences*); Article 71 (*Smuggling, that is the transfer of goods and other valuable things through the state border of the Republic of Azerbaijan by hiding them in special storage points, or using customs documents and other documentation for deceiving, committed in a large amount or by a group of persons organized to engage in*



⁶⁴ <http://bit.ly/1dUqbwR>

⁶⁵ <http://bit.ly/1gJUxIg>

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contraband or an officeholder who uses his official position, as well as smuggling explosives, stupefying, strongly influencing or poisoning substances, arms and ammunition, or military equipment); 15 (preparation of a crime and attempting a crime), 17 (participation), Article 94, Part 3 (Killing a victim with respect to his fulfilment of his service or public duty); 95 (Deliberate murder of a person with no aggravating elements (greediness, hooliganism, murdering the victim with respect to his implementation of his job or public duties, murdering two or more persons, murdering a woman who is pregnant, murdering a person with special brutality or in a manner that is dangerous for a number of persons; murdering people with the view to hide another murder or ease fulfilment of it, as well as with regard to raping, deliberate murder of person by a recidivist with special danger or a person who has been earlier convicted) enumerated in Article 94); Article 120, Part 2 (Deprivation of freedom through a method which is dangerous for the victim's life or health or by physically tormenting); Article 145, Part 2, paragraphs 1, 2, 5 and 6 (Robbery committed by a group of persons on a prior arrangement using arms or other objects used as arms, by a person who has earlier committed robbery or banditry with the goal of seizing state property, public property or citizens' personal property, or robbery that inflicted damage to the victim in large amount, that is, an attack related to dangerous violence or a threat to commit such violence endangering health or life of the person who was subjected to the attack, aimed to seize the citizen's personal property); Article 146 (Extortion through threat, that is, requiring a citizen to hand over his right to personal property or undertake actions assuming property by threatening to use violence on the victim or his relatives, disseminating discrediting information about him or destroying his property); Article 194, Part 1 (Making, falsifying, or selling documents that give authority or release from duties or deliberately using falsified documents, as well as making, selling or acquiring false stamps, seals or forms of state institutions, offices, organizations or public institutions, offices, organizations with the view to prepare false documentation); Article 207, Parts 2 (Biased hooliganism, that is, actions that are of distinctively exceptional impudence or special uncontrollability, or related to resisting a representative of authority or a representative of the public fulfilling his duty to protect public order or resisting other citizens overcoming hooliganism actions, as well as actions committed by a person convicted earlier for hooliganism), and 3 (Hooliganism committed by using or attempting to use a fire-arm, knife, knuckleduster or other side-arms, as well as by other objects specially made to injure body); Article 220, Parts 1 (Carrying, storing, acquiring, making or selling firearms (except for smooth-bore hunting rifles), ammunition or explosive substances), 2 (Carrying, making or selling daggers, Finnish knives, and other side-arms except in cases when they are considered elements of national costumes without permit); and Part 3 of Article 220-1 (Stealing firearms (except for smooth-bore hunting weapons and ammunition), ammunition or explosive substances through a mugging attack or by a particularly dangerous recidivist)

Prison: Gobustan Closed Prison

106. Arif Nazir oglu Kazimov

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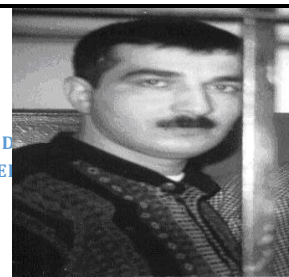
Date of arrest: 10 December 1996

Charge: Criminal Code (of 1960) Article 57 (*High treason*); Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); Article 15 (*Preparation of a crime or attempting a crime*) and Article 59, Part 1 (*killing a state figure or public figure or representative of authority under political motivation*); 70 (*Organizing armed bands to attack state bodies, offices, organizations or public enterprises, offices, organizations or individuals, or participation in such bands and the attacks organized by them*); Article 70-2, Part 1 (*Establishing armed units or groups not envisaged in legislation, as well as participating in the establishment or operation thereof, supplying them with arms, weapons, explosives, military hardware or military equipment*); Article 70-2, Part 3 (*Attacking state or public institutions, offices, organizations or individuals in the composition of armed units or groups not envisaged in legislation, leading to death of people or other grave consequences*); Article 71 (*Smuggling, that is the transfer of goods and other valuable things through the state border of the Republic of Azerbaijan by hiding them in special storage points, or using customs documents and other documentation for deceiving, committed in a large amount or by a group of persons organized to engage in contraband or an officeholder who uses his official position, as well as smuggling explosives, stupefying, strongly influencing or poisoning substances, arms and ammunition, or military equipment*); Article 145, Part 2, paragraphs 1, 2, 5 and 6 (*Robbery committed by a group of persons on a prior arrangement using arms or other objects used as arms, by a person who has earlier committed robbery or banditry with the goal of seizing state property, public property or citizens' personal property, or robbery that inflicted damage to the victim in large amount, that is, an attack related to dangerous violence or a threat to commit such violence endangering health or life of the person who was subjected to the attack, aimed to seize the citizen's personal property*); Article 146 (*Extortion through threat, that is, requiring a citizen to hand over his right to personal property or undertake actions 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*)

Prison: Gobustan Closed Prison

107. Safa Alim oglu Poladov

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Date of arrest: 10 December 1996

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

Prison: Gobustan Closed Prison

H. OTHERS

(1) Those arrested in the criminal case opened with regard to Hizmet Movement and its leader Fethullah Gulen

Once the military-led coup was prevented in Turkey on 15 July 2016, the Turkish government started to blame Fethullah Gulen, a U.S.-based Muslim cleric and leader of so-called *Hizmet* Movement, for organizing the coup. Fethullah Gulen had been accused of trying to build a parallel state in the past as well. However, the accusation became more severe after the prevention of the attempted military coup. People known to be supporters of Gulen were expelled from state bodies, schools, hospitals and law enforcement agencies. A lot of people went into prison. This process still continues.

The Azerbaijani government followed the Turkish government's lead by describing Gulen's institution as a terrorist organization and covering only Turkish government's position on TV stations and other media tools. A few days after the attempted coup of 15 July, privately run ANS TV station's U.S.-based correspondent announced that the position of Gulen on the charges brought against him would be aired on the TV station. The next day, under the decision of the National TV and Radio Council (NTRC), the TV station was removed from the air for one month. Later the court ruled to revoke the channel's license thereby shutting down the channel for good.

This event was followed by some silence with regard to Gulen movement in Azerbaijan before the press service of General Prosecutor's Office announced on 12

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August that the Grave Crimes Investigation Department of the General Prosecutor's Office opened a criminal case against Gulen supporters, adding that operational search measures on the case were underway.

Afterwards, APFP member Fuad Ahmadli and Faig Amirli (also the director of *Azadliq* newspaper) were arrested. The General Prosecutor's Office released a statement on August 23 saying that Amirli and Ahmadli were arrested in Gulen case.

The arrest circumstances of all three were marked with gross violations of their rights. The absence of legal grounds behind the charges brought against them proves that the two are not linked to Gulen. The government used Gulen case against its opponents with a view to continue the crackdown launched ahead of 26 September 2016 referendum more easily. Specifically, both NIDA movement and APFP have been strongly criticizing the government and its policy in recent years. A number of members of both organizations have been subject to imprisonment, administrative detention and other types of pressures.

108. Fuad Zafar oglu Ahmadli

Date of arrest: 18 August 2016

Charge: Articles 302.1 (*Implementation of operative-search actions by unauthorized persons, as well as implementation of these actions by authorized persons, but without grounds stipulated by the legislation thereby causing essential infringement of rights and interests of a person which are protected by the law*) and 308.1 (*Abuse of official powers, that is, in the exercise of his (or her) official functions, use by an officeholder of his (or her) official powers, in deliberate contradiction to the official interests, with the purpose of obtaining illegal advantage for himself (or herself) or third persons or failure to use these powers when the official interests require to do so, thereby causing substantial damage to the rights and legitimate interests of natural and legal persons, or to the interest of the state or society protected by law*) of the Criminal Code



Prison: Baku Pre-trial Detention Facility

Case summary: Fuad Ahmadli, the head of the Youth Committee of APFP Khatai District Office, was arrested by the officers of State Security Service (SSS) before his apartment was searched. It was claimed that the search revealed leaflets with speeches of Fethullah Gulen, documents about so-called *Gulen cemaati* (*Gulen's community*) group and persons who are called *Hizmet 'imams'* and their mutual links, religious literature and electronic media promoting so-called *Fethullahism*. The parents of Ahmadli denied this claim.

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

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was able to meet him. The youth activist was later transferred to Baku Pre-trial Detention Facility.

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

109. Faig Samidkhan oglu Amirli

Date of arrest: 20 August 2016

Charge: Articles 168.1 (*organizing, leading or participating in a group that functions under the guise of promoting religious faiths and implementing religious ceremonies thereby violating public order or damaging the health of citizens or violating rights of citizens irrespective of the form of infringement, and also distracting citizens from performing their duties established by the law*) and 283.2.2 (*actions aimed at inciting national, racial, social or religious hostility, humiliation of national dignity, as well as restriction of citizens' rights, or establishment of the superiority of citizens on the basis of their national, racial or religious background, committed publicly and through use of mass media*) of the Criminal Code



Prison: Baku Pre-trial Detention Facility No. 1

Case summary: Faig Amirli, *Azadlyq* newspaper's director for distribution issues and an assistant to APFP Chairman Ali Karimli, was sentenced to 3 months of pre-trial detention on 22 August by Nasimi District Court judge Shalala Hasanova. To justify the charges brought against him, it was claimed that Gulen-related books were found in his car. The prosecution accused him of being a Gulen 'imam' who delivers sermons, thereby inciting religious hatred and causing disturbances in public. However, no primary evidence has been provided to the court to support these claims. The books which were claimed to have been found in Amirli's car were not brought to the court where he was sentenced to pre-trial detention. Although the prosecution claims that those books had been sent for examination, the defense stated that no decision on appointment of an examination was presented to them.

(2) Persons arrested for Ismayilli protests

On the evening of 23 January 2013, Emil Shamdinov, the administrator of the Chirag Hotel located in the Ismayilli region, and his acquaintance Elmaddin Mammadov, crashed into the car of a local taxi driver and then beat the taxi driver. Both men were drunk at the time of the incident. The hotel was owned by Vugar Alakbarov, son of former Minister of Labour and Social Protection of Population Fuzuli Alakbarov (this fact was proven by Ilgar Mammadov, who was arrested for the same incident, with official records). During the incident, both men insulted Ismayilli residents who gathered at the scene. This led to a protest by the residents. The angered residents

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started to throw stones at the Chirag Hotel and set it on fire. The protesters also demanded the resignation of the Head of the regional executive authority Nizami Alakbarov, brother of former minister Fuzuli Alakbarov, and continued the protest in front of his house as well. The protesters burnt the house and automobiles in its yard. To respond to the protests, a number of police officers and internal troops were brought to the region from Baku and neighbouring regions and arrests began. A criminal case was opened into the incident. On 23 January, eight Ismayilli residents, along with Emil Shamdinov and Elmaddin Mammadov, received pre-trial detention sentences, and 23 persons received administrative detention sentences with varying terms. On 24 January, protests continued with a demand for the resignation of the executive head and release of the arrested protesters. The police used tear gas and rubber bullets to disperse the protests.

In the framework of the criminal case, a total of 18 persons were arrested for the incident. Sixteen of them are residents of the Ismayilli region. The other two prisoners included Ilgar Mammadov, Chairman of the ReAL movement, and journalist Tofiq Yagublu. Yagublu was released from prison under a pardon decree of March 2016.

The persons who were sentenced to pre-trial detention were initially charged with resisting police and violating public order. However, the latter was replaced with a more serious charge – inciting mass disorders and participating in these disorders.

Under 17 March 2014 judgment issued by Shaki Court of Grave Crimes Judge Rashid Huseynov, 10 of the arrested persons received 4 to 8 years in jail, and 8 were released in the courtroom on probation. Although some of the defendants pled partly guilty, others were arrested under false and ordered accusations. In other words, in addition to 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 or threw stones, and that general protests of a number of residents took place. Although the owners and residents of the hotel were recognized as victims, they said in the trial that they had no claims against the defendants.

110. Vasif Adalat oglu Ibrahimov

Date of arrest: 25 February 2013

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

Prison: Shaki Penitentiary Facility



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Case summary: 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 had publicized the pressures on business owners, such as the fact that their power supply was cut off for several days and their shops were closed, as well as various social problems, through ANS TV and the print media. He provided Ismayilli-based journalist Elchin Ismayilli with reports of illegal affairs and social problems in various parts of Ismayilli. As a result Ibrahimov became a 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.⁶⁶ In a part of his interview that was not aired, he blamed the Executive Head of the Ismayilli region and the son of the former minister of Labour and Social Protection of Population for these incidents.

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

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

(3) Former state officials/employees of state bodies

111. Ali Binnat oglu Insanov

Date of arrest: 20 October 2005

Charge:

First criminal case: Articles 179.3.2 (*misappropriation or waste in a large amount*), 306.2 (*malicious default of decision, verdict, definition or the decision of a court, when committed by an official*), 308.1 (*Abuse of official powers, that is, in the exercise of his (or her) official functions, use by an officeholder of his (or her) official powers, in deliberate contradiction to the official interests, with the purpose of obtaining illegal advantage for himself (or herself) or third persons or failure to use these powers when the official interests require to do so, thereby causing substantial*



⁶⁶ <http://bit.ly/1mb5UIx>

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damage to the rights and legitimate interests of natural and legal persons, or to the interest of the state or society protected by law, 311.3.1 (receipt of a bribe, committed by a group of persons on a prior arrangement), 311.3.2 (receipt of a bribe, committed repeatedly), 311.3.3 (receipt of a bribe, committed in a large amount) and 313 (Forgery by an official, that is, the entry by an official of information which is known to be false into official documents or information resources, or the making of changes by him or her in such documents or information resources which distort original content, where such acts are committed out of greed or some other personal interest) of the Criminal Code

Second criminal case: Articles 234.1 (illegal purchase or storage of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption, without the intent to sell), 315.2 (Use of force against a representative of authority, not posing a threat to his/her life or health) and 317-2.1 (preparation, storage, carrying, transportation or use of prohibited items in prison) of the Criminal Code⁶⁷

Prison: Baku Pre-trial Detention Facility No. 1

Case summary: Insanov is considered to be one of the founders of the ruling New Azerbaijan Party (YAP). He served as the Minister of Health from 1993 to the time of his arrest.

At the meetings of the YAP Management Board ahead of the parliamentary elections of November 2005, Insanov voiced severely critical opinions saying that there were criminals in the government, and that the incorrect policies being pursued needed to be changed, otherwise the government would be deceiving the people. In the meeting of the Management Board before the YAP Congress, Insanov continued voicing his critical opinions, saying that he was almost on the edge of apologizing for the mistakes made and wrong policies, especially to those whom he invited to join the party and those who joined the party because of him. Seven months prior to his arrest, in March 2005, Insanov requested President Aliyev allow him to resign from his position as the Minister of Health, and also from the ruling party. But his resignation was not approved. Two months before his arrest, Insanov stated that he was being followed. He believed he was even being followed even outside of Baku, and appealed to the President with respect to this matter. In his appeal, he stated that he was being followed by groups within the government.

Insanov was arrested 16 days before the 2005 parliamentary elections and initially was charged with plotting a coup (state media also published information of this kind), although he was later convicted of economic crimes. He was arrested by the Ministry of National Security and immediately sentenced to pre-trial detention.

The former minister stated that he was subjected to torture at the time of his arrest, and that the torture continued in Bayil Prison, in Investigative Prison No.5, and in Prison No. 13.

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

⁶⁷ Charges under these articles were brought against the ex-minister while he was in prison.

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sentenced to 11 years in jail by the Baku Court of Grave Crimes on 20 April 2007. The Baku Court of Appeal upheld the ruling on 21 September 2007, and the Supreme Court upheld the ruling on 16 January 2008.

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

Insanov applied to the European Court of Human Rights (ECtHR) with regard to violation of his rights envisaged in Article 3 (*prohibition of torture*) and Article 6 (*right to a fair trial*) of the European Convention of Human Rights and Fundamental Freedoms. On 14 March 2013, the ECtHR found evidence of violation of both rights.⁶⁸ The Court ruled that the former minister's right for defense and other procedural rules were violated and that there was a need for additional investigation. The Court ordered the Azerbaijani government to pay a fine of 10,000 EUR. On 15 November 2013, the Supreme Court, based on the ECtHR judgment, sent the case to the Baku Court of Appeal for reconsideration. During the appellate hearing, Insanov voiced severely critical opinions against the government, particularly President Ilham Aliyev. During the next trial session, Insanov was put in a glass cage, and the judge did not allow him to talk (the judge turned off his microphone while he was voicing critical opinions). On 25 February 2014, the Court of Appeals upheld the 11-year prison sentence. PACE Resolution #1545 of 2007 called for a fair trial of Ali Insanov.⁶⁹ A report released by former PACE co-rapporteurs for Azerbaijan Andres Herkel and Evguenia Jivkova in March 2008, and a PACE resolution of 24 July 2008, also include points of concern related to Insanov's case.

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

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

⁶⁸ <http://bit.ly/1myxEK1>

⁶⁹ <http://bit.ly/P93hLW>

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

112. Asif Aydın oğlu Latifov



Date of arrest: 29 August 2012

Charge: Articles 228.1 (*Illegal purchase, transfer, selling, storage, transportation and carrying of fire-arms, accessories to it, supplies (smooth-bore hunting weapon and supplies thereof excluded) or explosives*) and 232.1 (*Plunder or extortion of fire-arms, their accessories, supplies or explosives*) of the Criminal Code

Prison: Prison No. 9

Case summary: Latifov was a presidential guard and an officer at the State Special Guard Service (SSGS). He served in the so-called special purpose *Beta* group for 17 years. Within this period he received a number of awards. On 5 March 2011, Emin Alakbarov, together with whom Latifov was serving at the airport, lost his gun cartridge, which was found by Latifov. As he was in a conflict with the head of the Beta group, Latifov turned in the cartridge to the SSGS Inspection Office. Four days later, he was dismissed from his job based on Article 156 (*Non-compliance in service*) of the Civil Code.

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 each of the members of the Beta group. In protest, Latifov had complained to the SSGS Inspection Office. Disappointed with his dismissal, Latifov started to publicize both this problem and other illegal affairs he encountered. 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 Appeal 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 used any expressions proving 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 shown 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.

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113. Rufat Eldar oglu Safarov

Date of arrest: 08 September 2016

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



Prison: Baku Pre-trial Detention Facility

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

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

Safarov made a political statement saying that the opening of a criminal case promptly after his resignation shows that the case is politically motivated. Besides, all persons who are claimed to have given bribes to Safarov are officials working in Zardab region. They include the chairman of Alibayli village municipality head Elchin Khalilov, Zardab District Electricity Network employee Alamdar Abbasov, Zardab District Veterinary Office employee Mansur Panahov, Zardab District Culture and Tourism Department head Eldaniz Abdullayev. Their complaints on bribes were filed after Safarov resigned from his position. In a preliminary trial, Safarov's lawyer filed a motion demanding to bring into criminal liability those officials who gave bribes. The motion was not granted. This fact itself shows that the charge was fabricated; otherwise the bribe-givers must also have been brought into liability, as the law defines bribe giving as a crime too.

The testimonies of the witnesses questioned in court hearings were significantly inconsistent. As the witnesses claimed that they saw how Safarov demanded bribes, Safarov's lawyer filed another motion for bringing them into liability for committing

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a crime but not reporting a crime that they were aware of. This motion was dismissed too.

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

Lankaran Grave Crimes Court (presiding judge Asim Hajiyev) sentenced Rufat Safarov to 9 years in jail on 8 September 2016. He was arrested in the courtroom.

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

(4) Political hostages

114. Mubariz Aslan oglu Abdullayev

Date of arrest: 21 August 2013

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

Prison: Shaki Penitentiary Facility



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

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

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

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

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

On 21 August 2013, Mubariz Abdullayev was sentenced to 10 years in jail by Lankaran Grave Crimes Court. Shirvan Court of Appeal's judge Saleh Suleymanov upheld the judgment on 3 June 2014. Supreme Court also did not grant the appeal of Abdullayev on 5 March 2015.

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

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

115. Murad Gulahmad oglu Adilov

Date of arrest: 11 August 2014

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



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Prison: Prison No. 10

Case summary: Murad Adilov is a brother of Natig Adilov, APFP press secretary and one of the presenters of *Azərbaycan Saati* (*Azerbaijan hour*). Natig Adilov has left Azerbaijan for France because of political persecution. Murad Adilov is one of the persons arrested in the course of the campaign against *Azərbaycan Saati*.

Specifically, close relatives of Ganimat Zahid, the head of this program, have also been arrested and received severe punishments under the same charges that were brought against Murad Adilov. Close relatives of employees of Meydan TV, another online television station based abroad, have also been arrested under similar charges (they were set free a while later).

Murad Adilov reported that he was subjected to torture and inhumane treatment at the police station at the time of arrest in Sabirabad region and later in the police station in Baku where he was held. His reports and official appeals have not been properly investigated. Although the bruises observed on his body were recorded during his transfer to Baku Pre-trial Detention Facility, this fact was not investigated either. Shortly before the arrest, Lider TV, a pro-governmental TV station known for airing footage and programs in smear campaigns against opposition figures, again aired reports against journalist Natig Adilov and his family.

The court proceedings show that the investigation was biased; the evidence used only included the testimonies of police officers and search witnesses. Only one room of the large house owned by Adilov's family was searched before it was claimed that drugs were found in that specific room. If the operation was indeed aimed at finding drugs, it must have covered the whole apartment.

On 14 May 2015, Lankaran Grave Crimes Court sentenced Murad Adilov to 6 years in jail. Shirvan Court of Appeal upheld the judgment on 27 October 2015, and the Supreme Court confirmed it on 22 April 2016.

M.Adilov is married. He has 3 underage children the eldest one being 7 years old.

Amnesty International recognized Murad Adilov as a prisoner of conscience.⁷⁰

116. Elnur Rafiq oglu Seyidov

Date of arrest: 27 March 2012

Charge: Articles 178.3.1 (*fraud, that is, seizure of another person's property or purchase of his property rights by deceit or abuse of confidence, committed by an organized gang*); 178.3.2 (*fraud, committed by inflicting damage in a large size*); 179.3.1 (*Misappropriation or waste, that is plunder of property entrusted to the guilty party by another person, committed by an organized gang*); 179.3.2 (*Misappropriation or waste, committed in a large amount*); 308.2



⁷⁰ <http://bit.ly/29JyV26>

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(Abuse of official powers, that is, in the exercise of his (or her) official functions, use by an officeholder of his (or her) official powers, in deliberate contradiction to the official interests, with the purpose of obtaining illegal advantage for himself (or herself) or third persons or failure to use these powers when the official interests require to do so, causing grave consequences or committed with a view to affect the results of elections (referendum)) of the Criminal Code.

Prison: Prison No. 13

Case summary: Seyidov is the brother-in-law of Azerbaijan Popular Front Party Chairman Ali Karimli, one of the strong opposition critics of the Azerbaijani government. Until his arrest, Seyidov was the Deputy Chief of the Yasamal branch of “Texnikabank.” He was arrested by the Ministry of National Security. Initially, he was charged with fraud. But later a more serious charge was brought. No investigative measures were taken in the first 9 months after his arrest. His pre-trial detention was extended without any grounds, although extension of pre-trial detention for these crimes can take place in exceptional cases.

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

Seyidov was arrested 20 days after Texnikabank’s Management Board head Etibar Aliyev. Officially, Seyidov was charged with violating the law under the instruction of the bank’s management. Aliyev, as well as other employees of the bank, have since been released, whereas 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 from this disease in closed detention. There is also the Law of the Republic of Azerbaijan of 7 March 2012 on state care for patients of multiple sclerosis. 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 29 October 2013 judgment of the Baku Court of Grave Crimes. Baku Court of Appeal upheld the ruling on 3 April 2014. On 19 January 2015, the Supreme Court dropped two of the charges thereby reducing the sentence to 7 years and 3 months.

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

An application has been sent to the European Court of Human Rights with respect to Seyidov’s initial arrest and his suffering from a severe disease. The US State

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Department's Human Rights Report for 2013 lists Bagirov's case as an example of pressure on the families of opposition figures.⁷¹

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

(5) Relatives of journalist Ganimat Zahid

Rufat Zahidov and Rovshan Zayidov are close relatives of Ganimat Zahid, the editor-in-chief of *Azadliq* newspaper and head of *Azərbaycan Saati* (*Azerbaijan hour*) program, who currently lives in France as an émigré. The arrests of the two took place after the said program resumed broadcasting and became popular. This program strongly criticizes the Azerbaijani government and its national policy. The journalist and his brother Mirza Sakit had been subject to persecution in Azerbaijan in the past as well; they had been imprisoned under fabricated charges. Once they were set free, the persecution did not stop and they had to leave for Europe where they live now. Another employee of the program, Seymour Hazi, was also arrested in August 2014 under fabricated charges and sentenced to 5 years in jail. Murad Adilov, a brother of Natig Adilov, who is a presenter of this program, was also arrested in August 2014 and sentenced to 6 years in prison under drugs charge (the cases of both are detailed in this report).

The imprisonment of Rufat Zahidov and Rovshan Zayidov is not the first case in Azerbaijan related to persons placed in jail because of the work of their siblings. During the same period, the brother-in-law of the director of Berlin-based online Meydan TV, as well as both brothers of Meydan TV employee Gunel Movlud, were arrested under fabricated drug charges. The latter two were later released as they publicly estranged Gunel Movlud as their sibling.

The monitoring of court hearings shows that the charge brought against Zahidov is groundless; it is not based on evidence. The inconsistency in testimonies of search witnesses, the investigation's claim that both persons planned the alleged crime in advance, and the court's refusal to grant several motions clearly show that the case is politically motivated.

Both persons were sentenced by Baku Grave Crimes Court (presiding judge Eldar Mikayilov) to 6 years in jail on 28 June 2016.

Amnesty International recognized the journalist's relatives as prisoners of conscience.⁷²

On 8 November 2016 they sent letter to the Ministry of Interior Affairs and pro-governmental mass media declaring that they have disowned their relative Ganimat

⁷¹ <http://1.usa.gov/18BOn4u>

⁷² <http://bit.ly/29JyV26>

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Zahidov and not considering themselves as political prisoners. Despite this fact, Working Group is sure that these people are political prisoners.

117. Rufat Farasat oglu Zahidov

Date of arrest: 20 July 2015

Charge: Articles 234.4.1 (*illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors - on a prior arrangement by a group of persons or an organized gang*) and 234.4.3 (*same actions committed in a large quantity*) of the Criminal Code

Prison: Baku Pre-trial Detention Facility

118. Rovshan Agazayid oglu Zayidov

Date of arrest: 20 August 2015

Charge: Articles 234.4.1 (*illegal manufacturing, purchase, storage, transportation, transfer or selling of narcotics, psychotropic substances or their precursors - on a prior arrangement by a group of persons or an organized gang*) and 234.4.3 (*same actions committed in a large quantity*) of the Criminal Code

Prison: Baku Pre-trial Detention Facility

CONCLUSION/RECOMMENDATIONS

We are deeply concerned over the criminal prosecution with political motives leading to unlawful detention and imprisonment of our citizens without legal grounds.

The analysis of cases shows that anyone who criticizes government policy or high ranking officials of the government, publishes investigative articles or articles of critical nature, takes an active part in social media, fights for freedoms of speech, press, assembly, association, conscience and so on, or takes an active part, in general, in the socio-political processes without sharing the position of the authorities, can be arrested under fabricated charges.

Politically motivated judgments on arrests and imprisonments do not only inflict pecuniary and non-pecuniary damage on citizens, but also damage the image of the state of Azerbaijan. This is in violation of the obligations Azerbaijan has voluntarily taken before international organizations, in particular the Council of Europe. One of the obligations⁷³ undertaken by Azerbaijan before the Council of Europe in 2001 was the release of persons regarded as political prisoners. This problem still remains unsolved; on the contrary, the number of political prisoners has grown after Azerbaijan joined the Council of Europe.

We propose the following as a solution to the current situation:

To the Government of Azerbaijan:

- Take immediate measures for the release of political prisoners included in the list;
- Ensure the safety of political prisoners in pre-trial detention facilities and prisons;
- Start a dialogue with developers and supporters of the list for the discussion and solution of the problem.

To the international community:

- Call on the Government of Azerbaijan to fulfill obligations undertaken before international organizations and to release political prisoners;
- Keep attention on the problem of political prisoners during visits to Baku or visits of the officials of the Government of Azerbaijan;
- Impose sanctions on the authorities of Azerbaijan unless serious and reasonable measures are taken for the solution of the problem of political prisoners in the near future;

⁷³ <http://bit.ly/2cNAbOo>

APPENDIX

Prisoners whose cases are under monitoring

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

1. Mahammadali Rufulla oglu Akhundzada – Son of Rufulla Axundzada, jailed head of the Astara branch of Islamic Party of Azerbaijan
2. Elshan Mustafa oglu Mustafayev, theologian, head of Public Union “Invitation to Spiritual Purity”

Those arrested as alleged followers of Sulaimani Jamia

3. Ilgar Ramazan oglu Babaverdiyev
4. Elchin Salman oglu Rzayev
5. Shahriyar Babak oglu Rzayev

Other persons arrested in Nardaran case:

6. Mubariz Nasir oglu Agaraziyev
7. Vidadi Shirinbala oglu Alxasov
8. Motabar Gilman oglu Babayev
9. Raji Abasali oglu Babayev
10. Rasim Sarvar oglu Bunyatov
11. Elnur Nazim oglu Jabbarov
12. Hilal Damir oglu Jabbarov
13. Agasalim Salman oglu Jabrayilov
14. Vasif Vagif oglu Aliyev
15. Sahib Firudin oglu Habibov
16. Aliaga Mahmud oglu Gasimov
17. Nadir Abdulaga oglu Gadirov
18. Hasan Ahmad oglu Guliyev
19. Intigam Shamidulla oglu Mammadov
20. Huseyn Mammadali oglu Nabizada
21. Urfan Feyyaz oglu Nabizada
22. Nuhbala Bahram oglu Rahimov
23. Alizohrab Amirhuseyn oglu Rustamov
24. Atabala Shahbaz oglu Shahbazov
25. Cavanshir Malik oglu Tagiyev

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UNDERSIGNED:

1. Akif Gurbanov, Institute for Democratic Initiatives
2. Aynur Imranova, Support for Development of Democracy and Media
3. Anar Mammadli, Election Monitoring and Democracy Training Center
4. Bashir Suleymanli, Civil Rights Institute
5. Elman Abbasov, Regional Human Rights Monitoring Public Union
6. Emin Huseynov, Institute for Reporters' Freedom and Safety
7. Annagi Hajibayli, Azerbaijan Lawyers Association
8. Alasgar Mammadli, lawyer
9. Alovzat Aliyev, Azerbaijan Migration Center
10. Alayif Hasanov, human rights defender, lawyer
11. Gunay Ismayilova, lawyer
12. Khalid Agaaliyev, human rights defender
13. Xalid Bagirov, human rights defender, lawyer
14. Khadija Ismayilova, human rights defender, investigative journalist
15. Intiqam Aliyev, Legal Education Society
16. Latafat Malikova, Regional Human Rights and Education Public Union
17. Matlab Mutallimli, International Law Organization of Protection of Freedom and Peace
18. Malahat Nasibova, Naxchivan Democracy and NGO Development Resource Center
19. Rasul Jafarov, Human Rights Club
20. Rovshan Hajibayli, human rights defender, journalist
21. Samira Agayeva, human rights defender, lawyer
22. Samir Kazimli, human rights defender
23. Shahvalad Chobanoglu, human rights defender, journalist
24. Zohrab Ismayil, human rights defender

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Note: The document is open for signing. Non-governmental organizations and human rights defenders may contact the coordinators using the abovementioned contact details to read and sign the report.

Feedbacks or inquiries are welcomed through coordinators.