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The follow-up to the issue of political prisoners in Azerbaijan

Addendum to the report

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Christoph STRÄSSER, Germany, Socialist Group

1. Introduction

1. The report on “Follow-up to the issue of political prisoners in Azerbaijan” was approved by the Committee on Legal Affairs and Human Rights at its meeting on 26 June 2012 in Strasbourg. Since the time the report was prepared, new facts have arisen. These include the release of a number of persons on the “consolidated list” of presumed political prisoners in the report approved in June. In fairness to the Azerbaijani delegation, and for the sake of factual accuracy, I should like to draw attention to these cases in the present addendum (see section 2 below). In fairness to the persons concerned and their families, and to the lawyers and other human rights defenders who have assisted me in preparing the consolidated list throughout my mandate as rapporteur, I should also like to flag a small number of particularly deserving new cases that have arisen since last June (see section 3 below). In view of the information I received, these fulfil, *prima facie*, the definition of political prisoners adopted by the Assembly at the previous part-session in October 2012.¹ Last but not least, I should like to draw special attention to those presumed political prisoners whose families and friends have appealed, since the approval of the report in June, for their release on humanitarian grounds, due to their deteriorating health (see section 4 below).

2. Persons on the “consolidated list” of presumed political prisoners who are no longer in detention

2. The following persons on the “consolidated list”² (the case numbers on the right refer to this list) are no longer in prison, either because they had reached the end of their prison term, or because they were released early on parole or following a presidential pardon.³ One of them, Vagif Abdullayev, former Vice-Chair of the Islamic Party of Azerbaijan, died in prison.

1	Abbasli (Abbasly), Tural Feyruz	pardon of 22 June 2012, after serving 14 months of a two and a half year sentence	No. 1
2	Abbasov Elshan Sardar		No. 2
3	<i>Abdullayev, Shamsi Vahid</i>	<i>pardon of 26 December 2012</i>	No. 4 ^a
4	Abdullayev Vagif,	died in prison on 12 July 2012	No. 5
5	Alekberov Taleh		No. 8
6	<i>Alieyev, Mamedali Dilavar</i>	<i>pardon of 26 December 2012</i>	No. 11
7	<i>Asgarov (Asgerov) Mammad Tofiq</i>	<i>pardon of 26 December 2012</i>	No. 17
8	Badalov, Rovshan Kitabali	(end of prison term)	No. 18 ^b
9	Bagirov, Taleh Kamil	(end of prison term)	No. 19
10	<i>Bayramli, Anar</i>	<i>pardon of 26 December 2012</i>	No. 20

1. [Resolution 1900](#) (2012).

2. [Doc. 13079](#), Appendix 1.

3. The names of persons pardoned on 26 December 2012 are in italics.

11	Bayramov, Ramin,	released on 17 August 2012 on parole, after serving two-thirds of his sentence	No. 21
12	Eyvazli (Eyvazov), Zulfugar (Zulfuqar, Zulfugar)		No. 23
13	<i>Farzullayev, Jeyhun Hidayet</i>	<i>pardon of 26 December 2012</i>	No. 24
14	Ganiyev, Arif	(released on parole on 6 June 2012 but rearrested on 30 August 2012)	No. 25
15	Gulaliyev, Ogtay		No. 28
16	Hajibeyli, Rufet (Rufat) Ibrahim		No. 33
17	Hajili Arif Mustafa		No. 32
18	<i>Hasanli, Shahin Malik</i>	<i>pardon of 26 December 2012</i>	No. 34
19	<i>Hasanov, Babek</i>		No. 35
20	<i>Ilyasov, Fahri (Fakhri) Hasan</i>	<i>pardon of 26 December 2012</i>	No. 39
21	<i>Iskandarov (Isgandarov, Isgandarli), Zaur Shalar</i>	<i>pardon of 26 December 2012</i>	No. 41
22	<i>Iskenderov (Isganderov, Iskenderov), Vivadi</i>	pardon of 26 December 2012	No. 42
23	<i>Ismaylov, Araz Vasif</i>	<i>pardon of 26 December 2012</i>	No. 43
24	<i>Jabiyev, Azer Arif</i>	<i>pardon of 26 December 2012</i>	No. 46
25	<i>Janiyev, Aydin Mammad</i>	<i>pardon of 26 December 2012</i>	No. 47
26	Karimov, Kamran Sultan	(released near end of prison term)	No. 51
27	<i>Khasmammadov Taleh Vidadi</i>	<i>pardon of 26 December 2012</i>	No. 52
28	Kerimov (Kerimli, Karimov), Sahib Farman		No. 55
29	Majidli (Mejdjli), Elnur		No. 58
30	Majidli (Mejdjli), Mahammad (Mohammad) Cherkez		No. 59
31	Mammadli (Mamedli), Ahad Farhad		No. 62
32	<i>Musayev, Ilgar Sabir</i>	<i>pardon of 26 December 2012</i>	No. 68
33	Novruzov Chingiz Farman	released on 11 June 2012	No. 72
34	Quliyev, Ulvi Abdulla		No. 77
35	Valiquliyev (Valiguliyev) Rashad	(end of prison term)	No. 84

- a. Not recognised as “presumed political prisoner” (see [Doc. 13079](#), paragraph 165).
- b. Not recognised as “presumed political prisoner” (see [Doc. 13079](#), paragraphs 191-193).

3. New cases of potential political prisoners

3. Two cases on which I have received new and troublesome information were already included in the “consolidated list”. One of them, Avaz Zeynalli,⁴ editor-in-chief of the newspaper *Khural*, is still in pre-trial detention, whilst his principal accuser, a former member of parliament of the ruling New Azerbaijan party, has apparently been discredited.⁵ The second, Arif Ganiyev, Deputy Chair of the Islamic Party of Azerbaijan⁶ had in fact been released on parole on 6 June 2012 but was rearrested on 30 August 2012 after the annulment of the parole decision following an appeal by the prosecution.

4. The following cases were transmitted to me after the drafting of the above-mentioned “consolidated list”.

4. Case No. 85 on the “consolidated list”; his case was also raised by the co-rapporteurs of the Monitoring Committee during their visit to Baku in November 2012, see [Doc. 13084](#), paragraph 204; there was a typing error in the description of case No. 85 – Mr Zeynalli was in fact arrested on 28 October 2011.

5. See, for example, IRFS press release on 5 October 2012: www.irfs.org.

6. Case No. 25 on the “consolidated list”.

1. *Aliyev, Nijat, Eurovision activist, pre-trial detention*

Nijat Aliyev, editor in chief of www.azadxeber.org, had publicly criticised the Eurovision Song Contest. He was first arrested on 20 May 2012 on allegedly fake drug possession charges; his pre-trial detention was prolonged on 16 August 2012 and again in late November 2012 for another three months. Nijat Aliyev was allegedly coerced (*inter alia* by a threat to plant more drugs in his apartment and to “lock him up with homosexuals”) into confessing that he had “found” the drugs that were purportedly discovered in his pocket under a bridge.

2. *Amiraslanov, Ilham*

The journalist and anti-corruption and human rights activist was arrested on 8 June 2012 on charges of illegal possession of a pistol and ammunition. According to his lawyer, these were planted on him. The search and seizure had been marred by numerous irregularities, and there are also serious allegations of mistreatment in pre-trial detention. Mr Amiraslanov was sentenced to two years in prison on 12 September 2012. He was in fact arrested four days after a meeting with the Minister for Emergency Situations about the resolution of the problems of victims of the 2010 flood disaster in the Kura region. He had been involved in helping the villagers obtain compensation for two years and had publicly accused the competent authorities of corruption and embezzlement of financial compensation for the flood victims.

3. *Babayev, Dayanat*

Youth activist of the Popular Front Party of Azerbaijan, Mr Babayev was first placed in administrative detention at a protest rally in Baku on 17 November 2012. At the end of the administrative arrest, he was re-arrested on the spot on 24 November 2012 and placed in pre-trial detention on charges of “hooliganism”. Mr Babayev had previously been arrested numerous times over the last ten years and seized the European Court of Human Rights in four cases.⁷

4. *Guliyev, Araz*

The journalist, editor of the online journal xeber44.com, was first arrested on 10 September 2012 on charges of disorderly conduct and resisting police. The arrest took place during a protest action at the international folklore festival in Masalli, organised by the Ministry of Culture and Tourism. The protest, organised by Islamic believers, was directed against the performance of “half-naked dancers” on stage. The initial period of detention on remand of two months was subsequently prolonged and Mr Guliyev’s relatives reportedly worry that additional false accusations may be filed based on subsequently planted drugs or explosives.

5. *Huseynov, Mehman, youth activist/Eurovision*⁸

Youth activist Mehman Huseynov had been very active in the “Sing for Democracy” protest action criticising some aspects of the Eurovision Song Contest. He had also photographed and exposed police violence. He was charged with “hooliganism”, a criminal offense carrying up to five years in prison. Mr Huseynov told Human Rights Watch that he had had a verbal confrontation with a policeman who had deliberately smashed his camera. The exchange of words lasted only a few seconds and there was no physical contact. The charges against Mr Huseynov appear excessive. Whilst he was released from pre-trial detention on 13 June 2012, the charges against him are still pending.

6. *Mammadov, Hilal Alif*

The case of Hilal Mammadov, a prominent human rights defender, editor-in-chief, reputed University Professor and Talysh cultural leader is probably the highest-profile case presented in this addendum. His arrest on 21 June 2012 on allegedly trumped-up drug and high-treason charges is seen by numerous Azerbaijani and international NGOs as retaliation for going ahead with the organisation of a Talysh cultural festival earlier in June, despite warnings by the authorities. Currently, he is still in pre-trial detention, sharing a cell with another

7. Case also raised by the co-rapporteurs of the Monitoring Committee during their visit to Baku in November 2012; see [Doc. 13084](#), paragraph 204.

8. Ibid.

inmate who apparently has serious mental health problems, and who was recently sentenced to nine years in prison. Mr Mammadov's family and friends are seriously worried about his health and safety in these conditions, which are made worse by Mr Mammadov's serious asthma.

7. *Mirzayev, Fakhraddin Jehova's witness/conscientious objector*

Mr Mirzayev, a member of the Jehova's Witnesses congregation in Ganja, was convicted for draft evasion and sentenced to one year in prison on 25 September 2012. Present legislation in Azerbaijan exempts only priests and students of religious schools from military service. In cases against Armenia and Turkey, the European Court of Human Rights has established the duty to establish an alternative service for conscientious objectors to military service.⁹ Two related applications against Azerbaijan are currently pending before the Strasbourg Court.¹⁰ Mr Mirzayev's appeal is still pending before the Azerbaijani courts.

8. *Allahverdiyev, Faramaz (alias Novruzoglu, Faramaz)*

The journalist (first at the *Nota Bene* newspaper, subsequently editor-in-chief of the newspaper *Milletim*) and well-known political activist Faramaz Novruzoglu had already been repeatedly imprisoned between 2007 and 2010 for alleged defamation. On 22 August 2012, he was sentenced to four years and six months in prison for having "called for mass disorders" (Article 220.2 Criminal Code) and for making an illegal border crossing (Article 318.1 Criminal Code). Several Azerbaijani NGOs strongly criticised this judgment – as "another chilling indicator of the ever-shrinking space for free expression in Azerbaijan"¹¹ or "intent to restrict online freedom of expression".¹² Mr Novruzoglu himself, in his final pleadings in court, considered that his arrest was related to two recent articles of his denouncing corruption and nepotism ("The whereabouts of Azerbaijani oil exported to Italy", and "Where do the candles imported from Russia go?").

9. *Rzayev, Ilgar*

Mr Rzayev was arrested on 11 May 2012 and sentenced to two years in prison in August 2012, for drug possession. He had helped his brother Ali Rzayev, who works with the Institute for Peace and Democracy,¹³ to collect data on violations of property rights and the involvement of the police in violent evictions of residents. The drug possession charges were allegedly trumped-up.

10. *Taghiyev, Ramiz*

Mr Taghiyev, a journalist, former political activist and parliamentary candidate, was arrested in 2010 and sentenced to eight years in prison, for economic crimes and corruption. His case was referred to me belatedly, in August 2012, by the general editor of the *Milletim* newspaper, who provided certain worrisome details concerning his arrest and prosecution. My subsequent inquiries with well-known human rights defenders in Azerbaijan have led me to flag this case, which appears to deserve closer scrutiny.

4. New humanitarian/health alerts

1. Aliyev, Farhad, No. 10
2. Aliyev, Rafiq, No. 12
3. Huseynov, Vagif (Vaqif) Rza (73 years old), No. 38
4. Panahli, Nemat, No. 74
5. Seyidov, Elnur, No. 81
6. Zeynalli, Avaz, No. 85

9. See, for example, *Bayatyan v. Armenia*, Application No. 23459/03, judgment of 7 July 2011 (Grand Chamber).

10. *Mushfiq Mammedov and Samir Huseynov v. Azerbaijan* (Application No. 14604/08) and *Farid Mammedov v. Azerbaijan* (Application No. 45823/11), judgment of 18 July 2011.

11. IRFS press release of 22 August 2012: www.irfs.az.

12. See Expression Online Initiative, statement of 26 August 2012, available on request at: info@expressiononline.net.

13. Headed by Ms Leyla Yunus, who had a particularly conflictual relationship with the authorities throughout the year 2012.