



Information Documents

SG/Inf(2004)21 13 July 2004

Cases of alleged political prisoners in Azerbaijan

- I. Introductory note by the Secretary General
- II. Final Report of the Independent Experts, Messrs Stefan Trechsel and Evert Alkema

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Addendum to the Independent Experts' final report: Texts of Opinions rendered (to be issued as a separate document)

I. Introductory note by the Secretary General

The Independent Experts' 1st mandate (2001)

1. In Opinion No. 222 (2000) of the Parliamentary Assembly on Azerbaijan's application for membership to the Council of Europe, adopted on 28 June 2000, Azerbaijan undertook "to release or to grant a new trial to those prisoners who are regarded as "political prisoners" by human rights protection organisations ..." (paragraph 14 iv b).

2. After Armenia and Azerbaijan had become member States of the Council of Europe on 25th January 2001, the Committee of Ministers decided to look into cases of alleged political prisoners in both countries. In this context, in January 2001 the Committee of Ministers approved my proposal to instruct three Independent Experts¹ to inquire into cases referred to it. On 18 July 2001, I informed the Committee of Ministers that I had received the Experts' report² and, in the light of developments in Azerbaijan, decided to make the report public on 24 October 2001³. Following work also undertaken by the Committee of Ministers (notably its GT-SUIVI.AGO Monitoring Group) and the Parliamentary Assembly, all 17 pilot cases considered as political prisoners by my experts in the framework of their first mandate have now been released or re-tried or will be re-tried (see Appendix to this document).

The Independent Experts' 2nd mandate (2002-2004)

3. In April 2002 Professors Stefan Trechsel and Evert Alkema accepted my proposal to resume their task as Independent Experts and to provide opinions on whether or not the remaining group of prisoners in Azerbaijan, out of the list of 716 initially submitted to them in 2001, may be regarded as political prisoners on the basis of the objective criteria adopted in their first report. In April 2003 this list of 716 was reduced to 212 cases (see doc. SG/Inf (2003)15, especially paras. 4 and 8 therein).

4. It should be noted that a substantial number of prisoners, out of the original 'list of 716', has been released before and after the establishment of the list of 212. Some of them had been pardoned by Presidential Decree(s) further to informal contacts undertaken between my Independent Experts and the Azerbaijani authorities. A certain number of other prisoners had also been released as their terms of imprisonment had come to an end.

¹ Mr Stefan Trechsel, Professor of Criminal Law and Procedure at the University of Zurich, Switzerland, and a former member and President of the European Commission of Human Rights; Mr Evert Alkema, van Asbeck Professor of Law at the University of Leiden and until recently, extraordinary councillor of the Dutch Council of State, and Mr Alexander Arabadjiev, at the time member of the Bulgarian Constitutional Court, both also former members of the European Commission of Human Rights. The participation of Mr. Arabadjiev as an Independent Expert terminated - upon his request - subsequent to his election as a member of the Bulgarian Parliament in June 2001.

² As concerns Armenia, the Experts concluded that the persons whose cases had been referred to them were not political prisoners.

³ See document SG/Inf(2001)34 and addenda. See also, in this connection, the article by Mr Stefan Trechsel : "The notion of "political prisoner" as defined for the purpose of identifying political prisoners in Armenia and Azerbaijan", in Vol. 23, *Human Rights Law Journal* (2002), pp. 293-300 (French version available in Vol. 14, *Revue Universelle des Droits de l'Homme* (2002), pp. 169-176).

5. On 9 January 2004, I issued an Interim Report concerning the work of my Experts (see doc. SG/Inf (2004)1, and Addendum thereto).

6. My experts have now completed their second mandate. During 2003 and 2004, they had transmitted to me over 100 Opinions. I, in turn, provided copies of these Opinions to the Azerbaijani authorities – at the time in the context of a confidential procedure - so that the latter take all necessary measures to comply with commitments entered into.

7. On 13 July 2004, I informed the Ministers' Deputies as well as the President of the Parliamentary Assembly that I had received the Experts' final report. I also provided a copy of their report to the Azerbaijani authorities.

8. Attached to this introductory note is the text of the Experts' (final) report presenting their conclusions with respect to 104 Opinions adopted in 2003-2004⁴. A complete set of Opinions can be found in an Addendum to the present document.

9. From the 104 Opinions adopted by the Independent Experts, they determined that:

- 45 persons were political prisoners;
- four persons were no longer political prisoners, and
- 55 persons were not political prisoners.

10. Of the 45 persons considered to be political prisoners, 32 have been released subsequent to Presidential Decrees (Pardons) issued on 29 December 2003 and on 17 March 2004. Also, 11 persons are being re-tried. With respect to two cases (Nos 335⁵ and 351⁶), it is still not known whether the persons are to be released or re-tried. Therefore, all prisoners considered to be political prisoners by my Experts in the framework of their second mandate - with the exception of the two cases referred to above - have been released or are being retried.

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⁴ The Experts' opinion on the case of Mr Yermakov (No 700/716) was adopted on 12 March 2004. However, the opinion was not transmitted to me since Mr Yermakov was released before transmission could take place.

⁵ On 18 May 2004, the Azerbaijani authorities indicated to the Independent Experts that "the issue of pardoning of Mr Israfilov on humanitarian grounds will be proposed to the Commission on Pardoning for consideration at its next meeting".

⁶ On 24 June 2004, the Azerbaijani authorities indicated to the Independent Experts that "the issue of proportionality of Mr. Kerimov's sentence will be proposed to the Commission on Pardoning for consideration at its next meeting".

II. Report of the Independent Experts, Messrs Stefan Trechsel and Evert Alkema

Strasbourg, 8 July 2004

Cases of alleged political prisoners in Azerbaijan

**Report
transmitted to the Secretary General
of the Council of Europe**

**by the Independent Experts,
Messrs Stefan Trechsel and Evert Alkema ***

* Mr Stefan Trechsel, Professor of Criminal Law and Procedure at the University of Zurich, Switzerland, and a former member and President of the European Commission of Human Rights; Mr Evert Alkema, van Asbeck

Professor of Law at the University of Leiden, until recently, extraordinary councillor of the Dutch Council of State and also former member of the European Commission of Human Rights.

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**ADDENDUM: Texts of all Opinions rendered
[Document issued separately]**

I. Introductory remarks

1. Our second mandate (as from 2002)

1. In April 2002, we accepted the Secretary General's proposal to resume our task as Independent Experts and to provide opinions on whether or not the remaining group of prisoners in Azerbaijan, out of the list of 716 initially submitted to us in 2001⁷, may be regarded as political prisoners on the basis of the objective criteria adopted in our first report (see para. 7 below). From this list of 716 cases, approximately 300 still needed examination.

2. As we noted discrepancies between information provided by the Azerbaijan authorities and Azerbaijan NGOs as to the exact number of persons in prison, out of the list of 716, we liaised both with the country's authorities and the Azerbaijani NGOs concerned in order to determine exactly how many cases we should deal with.

3. In so doing, we decided to examine the Azerbaijani-language transcripts of all cases, out of the list of 716, with the need to exclude the following:

- cases of persons actually not detained (released, deceased, repetition of another name);
- cases we had examined previously⁸; and
- cases with respect to which NGOs could not confirm that the persons on the list were actually detained (when the authorities indicated that the said persons on the list were not detained).

On this basis, in March 2003, we established a list of 212 cases to be examined, as well as a list of 504 cases we would *not* examine. These lists were transmitted to the Secretary General on 2 April 2003⁹.

4. With respect to the number of cases examined, it should be noted that - since our work commenced back in the spring of 2001 - a number of prisoners, out of the list of '716', had been released before and after the establishment of the list of 212. Some of them had been pardoned by Presidential Decree further to contacts undertaken between us and the Azerbaijani authorities. A certain number of other prisoners' terms of imprisonment had come to an end and some of them had died. Hence, in the framework of our second mandate, we worked on more than 200 cases. Eventually, we had to render 104 (final) Opinions (in this respect, see also para. 12 below).

5. An interim report on our second mandate was issued in January 2004, together with the full text of the 73 Opinions we had adopted in 2003¹⁰.

6. We completed our second mandate on 8 July 2004, following adoption of the present report. Our conclusions with respect to all Opinions rendered and transmitted - on a confidential basis - to the Secretary General in the framework of this mandate (i.e. in 2003 and 2004),

⁷ See documents SG/Inf(2001)34 and Addenda thereto.

⁸ *idem*.

⁹ See document SG/Inf(2003)15.

¹⁰ See document SG/Inf(2004)1 and Addendum thereto.

appear in para. 15 below¹¹. The full texts of these Opinions have been issued in an Addendum to our report.

2. Objective criteria to identify “political prisoners”

7. In order to fulfil our 1st mandate back in 2001 (see documents SG/Inf(2001)34 and addenda thereto) we first determined objective criteria by which detained persons could be classified as political prisoners. The following criteria were adopted on 3 May 2001¹² :

A person deprived of his or her personal liberty is to be 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 on Human Rights and its Protocols (ECHR), 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.

The allegation that a person is a “political prisoner” must be supported by *prima facie* evidence; it is then for the detaining State to prove that the detention is in full conformity with requirements of the ECHR as interpreted

¹¹ Our opinion on the case of Mr Yermakov (No 700/716) was adopted on 12 March 2004. However, the opinion was not transmitted to the Secretary General since Mr Yermakov was released before transmission could take place.

¹² For detailed reasoning see SG/Inf(2001)34 Addendum 1 and the article by Mr Stefan Trechsel : “The notion of “political prisoner” as defined for the purpose of identifying political prisoners in Armenia and Azerbaijan”, in Vol. 23, *Human Rights Law Journal* (2002), pp. 293-300 (French version available in Vol. 14, *Revue Universelle des Droits de l’Homme* (2002), pp. 169-176).

by the European Court of Human Rights in so far as the merits are concerned, that the requirements of proportionality and non-discrimination have been respected and that the deprivation of liberty is the result of fair proceedings.

8. The above criteria were provided, *inter alia*, to officials of the countries concerned (at the time Armenia and Azerbaijan), several Council of Europe Delegations, prisoners interviewed by the experts and their lawyers in 2001, and representatives of NGOs. These criteria were accepted by the Azerbaijani authorities and all Council of Europe instances.

9. The objective criteria were applied in the framework of both our mandates.

3. Procedure with respect to our 2nd mandate

10. In the framework of our second mandate, the Azerbaijani authorities were requested to provide us with the transcripts of Azerbaijani-language judgments of all cases by September 2002. Unfortunately, in many instances, the Azerbaijani authorities were unable to provide the requested transcripts within the agreed timeframe. Transcripts were provided in small batches between July 2002 and early 2004. This had invariably caused considerable delays in the processing of cases. This also explains why we have not been able to consider cases submitted to us in numerical and/or alphabetical order. Since transcripts were provided to us in the Azerbaijani-language, a team of Azerbaijani lawyers/linguists in Baku had to be hired.

11. In addition, we instituted, in co-operation with the Azerbaijani authorities, the following procedure:

Informal confidential procedure (possible settlement/release)	Formal confidential procedure	
<p style="text-align: center;">Independent Experts' Provisional opinion:</p> <p>informal transmission, to the Azerbaijani authorities, of summary provisional opinions, for observations with a view to settlement/release of persons concerned</p>	<p>→ Independent Experts' Draft opinion:</p> <p>formal transmission of draft opinions to the Azerbaijani authorities for observations</p>	<p>→ Independent Experts' Opinion:</p> <p>Transmission of definitive opinions to the Secretary General</p>

12. We would like to stress that this complexity of the procedure also explains the length of time it has taken us to complete our mandate. However, the said procedure, in particular the informal part, has also enabled settlement of a number of cases through the release of prisoners, thus avoiding the adoption of final opinions in which the prisoners would have been considered as political prisoners. In this context, we actually examined more than 200 cases. 104 of these cases went through the whole procedure - as outlined above - until final adoption, of which

103¹³ were transmitted to the Secretary General. We take this opportunity to thank the Azerbaijani authorities for their cooperation in the framework of this procedure.

13. In order to carry out our task, we held a total of seven meetings in Strasbourg from November 2002 to July 2004¹⁴. Also, when in Strasbourg, we maintained regular contacts with the Azerbaijani Ambassador to the Council of Europe, Mr Mehdiyev, as well as with representatives of the Committee of Ministers monitoring group GT-SUIVIAGO and the Parliamentary Assembly. We also had exchanges of views with Azerbaijani officials during our November 2002¹⁵ and December 2003¹⁶ meetings.

II. Opinions

14. In applying the above-mentioned objective criteria and procedure in the framework of our second mandate, we rendered a total of 104 Opinions, of which 103¹⁷ had been transmitted to the Secretary General: 12 on 12 May 2003, 22 on 29 September 2003, 39 on 11 December 2003, 6 in March 2004, 17 in June 2004 and 7 in July 2004.

15. We reached the following conclusions with respect to our 104 Opinions:

- **45 persons were political prisoners.** Of these 45 cases: **32 persons were released** subsequent to Presidential Decrees (Pardons) issued on 29 December 2003 and 17 March 2004. **Also, 11 persons are being re-tried.** The Azerbaijani authorities' decisions with respect to **two cases is not yet known** (Cases Nos 335¹⁸ and 351¹⁹).
- **Four persons were no longer political prisoners.**
- **55 persons were not political prisoners.**

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The list of Opinions rendered with respect to the 104 cases appears below, together with follow-up, if any, given by the Azerbaijani authorities:

45 persons considered to be political prisoners:

¹³ See footnote 11 above.

¹⁴ November 2002, March, June, September and December of 2003, and March and July of 2004.

¹⁵ Messrs Fuad Aleskerov (Presidential Administration), Latif Huseynov (Parliament) and Ali Huseynov, (Parliament).

¹⁶ Mr Fuad Aleskerov (Presidential Administration).

¹⁷ See footnote 11 above.

¹⁸ On 18 May 2004, the Azerbaijani authorities indicated to us that "the issue of pardoning of Mr Israfilov on humanitarian grounds will be proposed to the Commission on Pardoning for consideration at its next meeting".

¹⁹ On 24 June 2004, the Azerbaijani authorities indicated to us that "the issue of proportionality of Mr. Kerimov's sentence will be proposed to the Commission on Pardoning for consideration at its next meeting".

• **(32) Persons released subsequent to Presidential Decrees (Pardons) of 29 December 2003 and 17 March 2004:**

- 35/716 AGAYEV Fakhraddin Tahmaz oğlu (*Opinion of 11 December 2003*)
[On 12 December 2003 the authorities informed us that Mr AGAYEV was mentally ill & that a medical commission is to examine his case; he was released on 17 March 2004]
- 43/716 AKHMEDOV Bayram Yunis oğlu (*Opinion of 12 March 2004*)
- 62/716 AKBEROV Tavakkul Sahladar oğlu (*Opinion of 29 September 2003*)
- 76/716 ALIRZAYEV Maqсад Alirza oğlu (*Opinion of 11 December 2003*)
- 94/716 ALIYEV Ilqar Jafar oğlu (*Opinion of 11 December 2003*)
- 159/716 BABAKISHIYEV Vagif Alish oğlu (*Opinion of 29 September 2003*)
- 163/716 BABAYEV Samir Abdulazim oğlu (*Opinion of 11 December 2003*)
- 200/716 DJAFAROV Rovshan Vaqif oğlu (*Opinion of 29 September 2003*)
- 250/716 HASANOV Hasan Mahammad oğlu (*Opinion of 11 December 2003*)
- 260/716 HASANOV Yusif Mirza oğlu (*Opinion of 29 September 2003*)
- 273/716 HUSEYNOV Chingiz Nariman oğlu (*Opinion of 11 December 2003*)
- 291/716 HUSEYNOV Sahib Mammed oğlu (*Opinion of 12 March 2004*)
- 297/716 HUSEYNOV Tofiq Panah oğlu (*Opinion of 11 December 2003*)
- 320/716 ISMAYILOV E'tibar Hamid oğlu (*Opinion of 11 December 2003*)
- 330/716 ISMAYILOV Ramiz Mikayil oğlu (*Opinion of 29 September 2003*)
- 338/716 KALBIYEV Umidvar (*Opinion of 12 March 2004*)
- 355/716 KERIMOV Fazil Shamil oğlu (*Opinion of 12 March 2004*)
- 389/716 MAMMEDOV Adil Sabir oğlu (*Opinion of 11 December 2003*)
- 390/716 MAMMEDOV Ahmed Bahlul oğlu (*Opinion of 29 September 2003*)
- 396/716 MAMMEDOV Djalal (*Opinion of 11 December 2003*)
- 405/716 MAMMEDOV Ilqar Bazirkhan oğlu (*Opinion of 11 December 2003*)
- 426/716 MAMMEDOV Shahin Alisimiran oğlu (*Opinion of 11 December 2003*)
- 452/716 MIRZOYEV Faiq Agakhan oğlu (*Opinion of 29 September 2003*)
- 508/716 NOVRUZOV Ibrahim Hasan oğlu (*Opinion of 29 September 2003*)
- 566/716 QULIYEV Kamran (*Opinion of 11 December 2003*)
- 608/716 RZAYEV Etibar S. oğlu (*Opinion of 29 September 2003*)
- 644/716 SHAFIYEV Adalat (Dadan) Ali oğlu (*Opinion of 29 September 2003*)
- 646/716 SHAFIYEV Qazanfar Ali oğlu (*Opinion of 29 September 2003*)
- 659/716 SOLTANOV Soltan Shamil oğlu (*Opinion of 11 December 2003*)
- 685/716 VELIYEV Djeyhun Hanbaba [Yagub] oğlu (*Opinion of 11 December 2003*)
- 692/716 YAGNALIYEV Namiq Fikret oğlu (*Opinion of 11 December 2003*)
- 700/716 YERMAKOV [Yermolayev] Oleg (*Opinion of 12 March 2004*); person released after adoption of the Opinion but before transmission of the Opinion to the Secretary General and the Azerbaijani authorities.

• **(11) Persons retried:**

- 45/716 AHMEDOV Enver Nadir oğlu (*Opinion of 15 June 2004*)
- 51/716 AHMEDOV Natiq Bakhysh oğlu (*Opinion of 15 June 2004*)
- 74/716 ALIKHANOV Azer Rustam oğlu (*Opinion of 15 June 2004*)
- 215/716 EMCHIYEV Rasul Nadjmeddin oğlu (*Opinion of 12 May 2003*)
- 403/716 MAMMEDOV Hamlet Aladdin oğlu (*Opinion of 29 September 2003*)
- 417/716 MAMMEDOV Rafiq Yashar oğlu (*Opinion of 15 June 2004*)

- 459/716 MUKHTAROV Fazil Famil oglu (*Opinion of 12 March 2004*)
 523/716 POLADOV Safa Alim oglu (*Opinion of 12 May 2003*)
 547/716 QASIMOV Tofiq (*Opinion of 15 June 2004*)
 597/716 RAZIMOV Afgan Shammed oglu (*Opinion of 15 June 2004*)
 621/716 SADYQOV Faiq Babakishi oglu (*Opinion of 12 May 2003*)

● **With respect to two persons, the Azerbaijani authorities' decision (release or re-trial) is not yet known:**

- 335/716 ISRAFILOV Eldar Yagub oglu (*Opinion of 15 June 2004*)²⁰
 351/716 KERIMOV Djasur (*Opinion of 7 July 2004*)²¹

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Four persons no longer considered to be political prisoners:

- 87/716 ALIYEV Eldar Usub oglu (*Opinion of 12 March 2004*)
 222/716 FEYZULLAYEV Irakli (*Opinion of 11 December 2003*)
 324/716 ISMAYILOV Ilham Ca'di oglu (*Opinion of 29 September 2003*)
 657/716 SHUKUROV Vugar (*Opinion of 11 December 2003*)

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55 persons not considered to be political prisoners:

- 22/716 ABDULLAYEV Shamsi Vahid oglu (*Opinion of 12 May 2003*)
 24/716 ABULOV Nadir Shaban oglu (*Opinion of 29 September 2003*)
 37/716 AGAYEV Ismayil Bashir oglu (*Opinion of 29 September 2003*)
 49/716 AHMEDOV Mahir Teyyub oglu (*Opinion of 29 September 2003*)
 60/716 AKBEROV Rasim Aga oglu (*Opinion of 7 July 2004*)
 101/716 ALIYEV Mobud (ALIYEV Mobud Alimursal oglu) (*Opinion of 29 September 2003*)
 105/716 ALIYEV Sadykh Mikayil oglu (*Opinion of 29 September 2003*)
 131/716 AMIRASLANOV E'tibar (*Opinion of 11 December 2003*)
 136/716 ASADOV Seymur [Teymur] (*Opinion of 11 December 2003*)
 153/716 AZAYEV Eldar (*Opinion of 11 December 2003*)
 170/716 BAKAYEV [Bakarov] Rasim Hadjimirza oglu (*Opinion of 11 December 2003*)
 191/716 DJABIYEV Samandar Hayyat oglu (*Opinion of 11 December 2003*)
 198/716 DJAFAROV Rashad Agarza oglu (*Opinion of 12 May 2003*) (**released**)
 207/716 DJALILOV Elman Djalal oglu (*Opinion of 11 December 2003*)
 241/716 HAMIDOV Sardar Mejid oglu (*Opinion of 7 July 2004*)
 258/716 HASANOV Rasim Qazanfar oglu (*Opinion of 11 December 2003*)
 266/716 HUMBATOV Sakhavat Veli oglu (*Opinion of 12 May 2003*)
 275/716 HUSEYNOV Elkhan Komissar oglu (*Opinion of 11 December 2003*)

²⁰ On 18 May 2004, the Azerbaijani authorities indicated to us that "the issue of pardoning of Mr Israfilov on humanitarian grounds will be proposed to the Commission on Pardoning for consideration at its next meeting".

²¹ On 24 June 2004, the Azerbaijani authorities indicated to us that "the issue of proportionality of Mr. Kerimov's sentence will be proposed to the Commission on Pardoning for consideration at its next meeting".

- 277/716 HUSEYNOV Fazil Zulfugar oglu (*Opinion of 12 May 2003*)
 283/716 HUSEYNOV Maqsud (*Opinion of 15 June 2004*)
 298/716 HUSEYNOV Vaqif Rza oglu (*Opinion of 15 June 2004*)
 302/716 IBRAHIMOV Avaz Aydin oglu (*Opinion of 15 June 2004*)
 331/716 ISMAYILOV Rashid Nurulla oglu (*Opinion of 12 May 2003*)
 340/716 QASIMOV [Kasumov] Asul (*Opinion of 15 June 2004*)
 349/716 KERIMOV Azer (*Opinion of 15 June 2004*)
 350/716 KERIMOV Dayanat Kerim oglu (*Opinion of 11 December 2003*)
 358/716 KERIMOV Keramat Pasha oglu (*Opinion of 7 July 2004*)
 367/716 KHALILOV Museyib (*Opinion of 15 June 2004*)
 384/716 MAHMUDOV Namiq Talyb oglu (*Opinion of 15 June 2004*)
 386/716 MAMMEDALIYEV Sahib Nureddin oglu (*Opinion of 11 December 2003*)
 438/716 MAMMEDOV Zaur [Zaur] (*Opinion of 7 July 2004*)
 444/716 MELIKOV Avtandil (*Opinion of 11 December 2003*) (**released**)
 448/716 MIKAYILOV Djeyhun Misir oglu (*Opinion of 11 December 2003*)
 450/716 MIRZAYEV Saday Mammedali oglu (*Opinion of 12 May 2003*)
 461/716 MUKHTAROV Tahmaz Nadir oglu (*Opinion of 29 September 2003*)
 474/716 MUSTAFAYEV Elshad Teyyub oglu (*Opinion of 12 May 2003*)
 475/716 MUSTAFAYEV Hasan Huseyn oglu (*Opinion of 11 December 2003*)
 476/716 MUSTAFAYEV Magsad Teyyub oglu (*Opinion of 12 May 2003*)
 510/716 NURALIYEV Samir Rzabala oglu (*Opinion of 29 September 2003*)
 537/716 QASIMOV Asad Ramazan oglu (*Opinion of 11 December 2003*)
 540/716 QASIMOV Geray Imran oglu (*Opinion of 15 June 2004*)
 550/716 QAYIBOV Intiqam Yusif oglu (*Opinion of 11 December 2003*)
 563/716 QULIYEV Fizuli Djavanshir oglu (*Opinion of 11 December 2003*)
 570/716 QULIYEV Rza Sabir oglu (*Opinion of 7 July 2004*)
 584/716 RAHIMOV Faiq (RAHIMOV Faiq Feiruz oglu) (*Opinion of 29 September 2003*)
 612/716 RZAYEV Maherram (*Opinion of 11 December 2003*)
 617/716 SADIROV Yusif Huseyn oglu (*Opinion of 12 May 2003*)
 625/716 SAFARALIYEV Alfat (*Opinion of 11 December 2003*)
 641/716 SARABI Bakhtiyar Rahman oglu (*Opinion of 29 September 2003*) (**released**)
 649/716 SHAHMURADOV Yashar Khasay oglu (*Opinion of 11 December 2003*)
 654/716 SHEYDAYEV Djamaladdin (*Opinion of 15 June 2004*)
 655/716 SHEYDAYEV Elkhan (*Opinion of 15 June 2004*)
 662/716 SULEYMANOV Iftikhar (*Opinion of 11 December 2003*)
 673/716 TAGIYEV Ikram Seyfulla (*Opinion of 11 December 2003*)
 676/716 TAHIROV Aliyusif (*Opinion of 7 July 2004*).

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The full texts of our Opinions transmitted to the Secretary General appear in an Addendum to this report.

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Cases Nos 6/716 (Mr Abbasov Ibrahim Beyler oglu), 316/716 (Mr Ismayilov Aqil [Ilyasov Aqil Rza oglu]) and 715/716 (Mr Zeynalov Zeynal) were struck off the list of cases to be examined,

as –from information available to the Experts – it would appear that the persons concerned were no longer detained.

Appendix to the introductory note by the Secretary General

Follow-up given by the Azerbaijani authorities to the pilot cases considered as political prisoners by my Experts in the framework of their first mandate (SG/Inf (2001)34 and addenda):

All 17 pilot cases considered as political prisoners by my Independent Experts in the framework of their first mandate have been released and/or re-tried:

Prisoners released (12):

- GAMIDOV Iskander (Pilot Case No. 1) [*he was **also re-tried**; see below*];
- HADJIYEV Adil Khanbaba (Pilot Case No. 8);
- MUSTAFAYEV Siyavush Firudin oglu (Pilot Case No. 9);
- IMRANOV Nariman Shamo oglu (Pilot Case No. 14);
- ABDULLAYEV Qalib Jamal oglu (Pilot Case No. 16);
- GUSEYNOV Suret Davud oglu (Case No. 17);
- SAFIKHANOV Ilgar (Pilot Case No. 18);
- AKBEROV Israyl Isa oglu (Pilot Case No. 20);
- SISOYEV Anatoliy (Pilot Case No. 22);
- ABBASOV Elhan (Pilot Case No. 23);
- AGAYEV Rafik (Pilot Case No. 24);
- GUSEYNOV Guseynbala (Pilot Case No. 25).

Prisoners re-tried/to be re-tried (6):

- GAMIDOV Iskander (Pilot Case No. 1) [*re-tried and **released** on 29 December 2003*];
- GUMBATOV Alikram (Pilot Case No. 2) [*re-trial completed on 10 July 2003 (life imprisonment)*];
- GAZIYEV Raqim (Pilot Case No. 3) [*re-trial completed; life imprisonment commuted to 15 years' imprisonment and confiscation of property repealed*];
- AMIRASLANOV Elchin Samed oglu (Pilot Case No. 5) [*re-trial not yet completed*];
- EFENDIYEV Natig (Pilot Case No. 7) [*to be re-tried*];
- KAZYMOV Arif Nazir oglu (Case No. 15) [*re-trial not yet completed*].