Human Rights Defenders and Journalists in Azerbaijan Deprived of Their Liberty

The list has been compiled by the Solidarity Group with Civil society of Azerbaijan of the Civic Solidarity Platform on the basis of open sources.
Intigam Aliyev

Human rights lawyer and chairman of an NGO “Legal Education Society”, serving a 7.5-year prison sentence on trumped-up charges of tax evasion, illegal entrepreneurship, and abuse of power.

DATE OF DETENTION

08/08
2014

PLACE OF DETENTION

PRISON NO. 6
INTIGAM ALIYEV is a leading Azerbaijani human rights lawyer, internationally recognised for his work on behalf of victims of human rights abuse. He has submitted over 300 applications to the European Court of Human Rights and has won a number of landmark cases. To date, the majority of the decisions issued by the European Court against the Azerbaijani government has been litigated by Intigam Aliyev. Aliyev has worked as an expert on human rights and legislation for international organizations, including the Council of Europe. He is an author of over 20 books and over 100 academic articles in the legal field and has taught human rights law in a number of universities in Azerbaijan.

He is the head of the Legal Education Society (LES), a NGO that has been active since 1999. Projects, implemented by LES, addressed such issues as raising legal awareness, strategic litigation, preparation of reports related to different human rights issues, drafting complaints to the European Court on Human Rights, organization of trainings for lawyers, human rights defenders, journalists, etc. On 4 March 2013 Intigam Aliyev received an award from People in Need Foundation as the best human rights defender of 2012. On 9 October, 2015, the International Bar Association presented Intigam Aliyev with its 2015 Human Rights Award.

CHARGES

Criminal Code Articles

192.2.2 (conducting illegal business, with a large gain in profit)

213.1 (evasion of taxes or social insurance contributions, in significant amounts)

308.2 (abuse of authority which resulted in a hefty outcome or when made with the intent to influence an election (referendum)

CASE BACKGROUND

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

As many observers believe, Intigam Aliyev’s arrest serves the purpose of preventing the European Court from reviewing more cases and issuing more judgements on human rights violations in Azerbaijan. In addition to cases concerning violations during elections in Azerbaijan, Intigam has also submitted complaints to the European Court concerning violation of property rights, freedoms of expression and peaceful assembly. According to Aliyev’s statement from prison, the prosecutor’s office has confiscated folders with documents regarding those cases, although the criminal charges against him have nothing to do with them. During his speech at the 2014 summer session of PACE, Intigam Aliyev harshly criticised the government policy on human rights and spoke on the problem of political prisoners, attacks on independent NGOs, arrests of government critics based on false charges, and massive violations of property rights. His arrest and conviction are seen by many as retaliation for the public expression of his critical position as well as for his legal work.

On April 22, 2015 Intigam Aliyev was sentenced by the Baku Grave Crimes Court to 7 years and 6 months in prison and a 3-year ban from holding certain positions and engaging in certain activities. According to observers, the process did not meet standards of fair trial.

Intigam Aliyev has serious health problems, which have deteriorated during his detention.
Rasul Jafarov

Chairman of NGO “Human Rights Club” and internationally renowned human rights activist, serving a prison sentence of six years and three months (reduced from 6.5 years by the appellate court) on trumped-up charges of tax evasion, illegal entrepreneurship, and abuse of power.

DATE OF DETENTION

02/08 2014

PLACE OF DETENTION

PRISON NO. 10
BIOGRAPHY

In recent years, Jafarov has been one of the most active Azerbaijani human rights activists in the international arena, with his scathing criticism and incisive reports on human rights abuses. In early 2014, he started to work on issues relating to political prisoners in Azerbaijan very intensely, compiling a complete list of political prisoners. On 24 June 2014, Jafarov presented this list during the PACE session to the new PACE Rapporteur on Human Rights in Azerbaijan, Pedro Agramunt. Only a month after presenting this list at the PACE session and immediately following the arrest of Leyla Yunus, Jafarov was taken into custody. Prior to his arrest, Jafarov was also unlawfully banned from leaving the country, and his bank accounts were frozen.

Rasul Jafarov rejects all charges against him and considers his arrest to be a reprisal for his human rights activities. International and local human rights organizations consider his arrest to be politically motivated. Amnesty International has declared Rasul Jafarov a prisoner of conscience.

On 16 April 2015 Rasul Jafarov was sentenced to 6 years 6 months in prison and a 3-year ban from holding certain positions by the Baku Grave Crimes Court. The prison term was reduced from 6.5 years to six years and three months by the appellate court.

Rasul Jafarov has health problems, which have seriously deteriorated during his detention.

CHARGES

Criminal Code Articles

192.2.2 (conducting illegal business, with a large gain in profit)

213.1 (evasion of taxes or social insurance contributions, in significant amounts)

308.2 (abuse of authority which resulted in a hefty outcome or when made with the intend to influence an election (referendum)

CASE BACKGROUND

In recent years, Jafarov has been one of the most active Azerbaijani human rights activists in the international arena, with his scathing criticism and incisive reports on human rights abuses. In early 2014, he started to work on issues relating to political prisoners in Azerbaijan very intensely, compiling a complete list of political prisoners. On 24 June 2014, Jafarov presented this list during the PACE session to the new PACE Rapporteur on Human Rights in Azerbaijan, Pedro Agramunt. Only a month after presenting this list at the PACE session and immediately following the arrest of Leyla Yunus, Jafarov was taken into custody. Prior to his arrest, Jafarov was also unlawfully banned from leaving the county, and his bank accounts were frozen.

Rasul Jafarov rejects all charges against him and considers his arrest to be a reprisal for his human rights activities. International and local human rights organizations consider his arrest to be politically motivated. Amnesty International has declared Rasul Jafarov a prisoner of conscience.

On 16 April 2015 Rasul Jafarov was sentenced to 6 years 6 months in prison and a 3-year ban from holding certain positions by the Baku Grave Crimes Court. The prison term was reduced from 6.5 years to six years and three months by the appellate court.

Rasul Jafarov has health problems, which have seriously deteriorated during his detention.
Anar Mammadli

Chairman of the Election Monitoring and Democracy Studies Centre, a well-known human rights defender and expert on elections and political freedoms in Azerbaijan, serving a 5.5-year prison sentence on trumped-up charges of tax evasion, illegal entrepreneurship, and abuse of power.

DATE OF DETENTION

24/02
2015

PLACE OF DETENTION

PRISON NO. 13

BIOGRAPHY

In 1998–2002, ANAR MAMMADLI worked as reporter and editor for newspapers “Bu gun” (Today), “Markez” (Centre) and “Hurriyyet” (Freedom). In 1997 he became the chairman of Secular Progress Youth Organization. Since 2003 he worked as the program advisor at the Election Monitoring and Democracy Studies Centre and later became its Chairman. Anar worked as election observer of the International Observation Mission of European Network of Election Monitoring Organisations in Ukraine; was election advisor to OSCE/ODIHR in presidential election in Afghanistan and parliamentary elections of Turkey.

In September 2014 PACE awarded Anar Mammadli with 2014 Vaclav Havel Human Rights Award, annually presented to civic activists for outstanding achievements in protection of human rights in Europe and beyond.
CHARGES

Criminal Code Articles

179.3.2
(Assignment or waste, through plunder, of property entrusted to the guilty party by another person, in large amount)

192.2.2
(Illegal business committed through derivation of income in a large amount)

213.1
(Evasion of the payment of taxes or obligatory state social insurance payments in a large amount)

308.2
( Abuse of power committed with the intent of affecting the results of an election or referendum)

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

CASE BACKGROUND

On 7 October 2013, Election Monitoring and Democracy Studies Centre (EMDS) published a preliminary opinion regarding conditions of the upcoming presidential elections on 9 October 2013. The opinion held that Azerbaijan lacked a pre-election environment that enable free and fair elections, and noted that the voting process was accompanied by serious legal violations. The OSCE/ODIHR used the EMDS report, in addition to information from its own observers, in compiling its own critical report about the elections. Soon after EMDS published its report, on 31 October 2013, the Grave Crimes Investigation Department of the Prosecutor General’s Office conducted a search of EMDS’s office, confiscating financial and legal documents and computers belonging to EMDS and its partner organisations. The Prosecutor General’s Office released a statement saying that an investigation had been launched into legal violations by EMDS. Chairman of EMDS Anar Mammadli as well as EMDS Executive Director Bashir Suleymanli and the head of their partner organisation VİCПU Elnur Mammadli were prohibited from leaving the country.

EMDS had also organised nationwide election monitoring prior to the October 2013 presidential elections and regularly informed local and international public about shortcomings and fraud in the electoral process. Because of the election monitoring, smear campaign against EMDS and its leading personnel was launched in the government media.

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

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

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

Goychay-based human rights defender, serving a three-year prison sentence on trumped-up charges of hooliganism.

**DATE OF DETENTION**

24/02
2015

**PLACE OF DETENTION**

GANJA INVESTIGATION ISOLATOR
Criminal Code Article

221.2
(hooliganism, repeatedly committed)

CASE BACKGROUND

Prior to his arrest, Khasmammadov, a resident of a provincial Goychay city, was actively engaged in human rights activity in the region. He criticized corruption and other illegal offences by local authorities and was sending materials on these issues to the media. He was detained in February 2015 after a provocation, during which, according to his mother Gulbota, he was accosted by a stranger who came close to him, spit on his face, and then fell on the ground and feigned injury as police waiting nearby, swooped upon Khasmammadov and detained him. In the Goychay Regional Court, he was sentenced to three-months of pre-trial detention on criminal hooliganism charges. On July 22, judges in Goychay handed down a three-year sentence.

Local activists succeeded to identify the person who performed the provocation against Khasmammadov. This was Zahir Azizo who had actively engaged in close collaboration with police as a fake witness. Before this incident, he acted as a witness in some 10 other cases.

Earlier, Khasmammadov had been arrested in November 2011 with criminal charges of hooliganism and resistance to police and sentenced to 4 years in prison. About a year later, he was released upon a pardoning decree of the President.

Amnesty International recognized Khasmammadov as a prisoner of conscience.
Hilal Mammadov

Editor-in-chief of Tolishi Sedo newspaper, serving a five-year prison sentence on trumped-up charges of drug possession, treason, and inciting hatred.

DATE OF DETENTION

21/06/2012

PLACE OF DETENTION

PRISON NO. 17
CHARGES

Criminal Code Articles

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

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

283 (Actions directed to incite national, racial or religious hostility, humiliation of national advantage, as well as actions directed to restrict citizens’ rights, or establish the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with the use of mass media)

CASE BACKGROUND

Hilal Mammadov is editor-in-chief of the Tolishi Sado newspaper, published in the minority Talysh language. He has also been involved in human rights work. Mammadov voiced critical opinions, both in newspapers and social networks, about policies of the authorities. Although Mammadov was initially charged with drug possession, he was later presented with more serious and unrelated charges of state treason and incitement to ethnic hostility.

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

Hilal Mammadov has been recognized by Amnesty International as a prisoner of conscience. His imprisonment under trumped-up charges and the necessity of his release was included in a statement of the OSCE Representative on Freedom of the Media and in the report of the Council of Europe Commissioner for Human Rights.
Rauf Mirgadirov

Zerkalo newspaper columnist, detained in April 2014 on trumped-up charges of treason, awaiting trial.

DATE OF DETENTION

19/04 2014

PLACE OF DETENTION

INVESTIGATIVE PRISON OF THE MINISTRY OF NATIONAL SECURITY
CHARGES

Criminal Code Article

274

(State 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 the enemy side, espionage, distribution of state secrets to a foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic)

CASE BACKGROUND

Mirgadirov, who had been an employee of a Russian-language newspaper “Zerkalo” for many years, became a correspondent of a newspaper in Turkey in 2010. Mirgadirov was known for his articles in which he analysed the Nagorno-Karabakh conflict, Russia’s intervention, and the position of the Azerbaijani government. Mirgadirov has received the “Hasan Bey Zardabi” award, the “Gerd Buserius” Free Press of Eastern Europe award, and has been the Honoured Journalist of the Republic of Azerbaijan since 2005. He has worked in respected newspapers such as Democratic Azerbaijan, Bu Gun (“Today”), and Millet (“Nation”). On April 19, 2014 Mirgadirov was expelled from Turkey in a “deportation” procedure and sent to Azerbaijan. Several days before issuing Mirgadirov’s deportation, Turkish officials revoked his professional accreditation in Turkey. Upon arrival in Azerbaijan, he was arrested by the Ministry of National Security, accused of spying for Armenia since 2008 and sentenced to a three month pre-trial detention. Mirgadirov, who was in custody of MNS, said that he visited Armenia several times for citizen diplomacy projects of the Institute for Peace and Democracy aimed at resolution of the Armenian-Azerbaijani conflict. He insisted that he defended the interests of Azerbaijan in those events, has never betrayed his motherland, and called the charges set against him trumped-up.

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

According to expert opinions, the pre-trial detention of the journalist and the charges against him violate a number of legal provisions.

Charges against Rauf Mirgadirov are largely seen as trumped-up and politically motivated. His arrest and charges have been condemned by Human Rights Watch, European Union officials, USA Helsinki Commission, the Ministry of Foreign Affairs of the UK, World Organisation Against Torture, International Federation for Human Rights, Committee to Protect Journalists, Reporters Without Borders, United States Mission to the OSCE, and others.
Tofiq Yagublu

Yenu Musavat newspaper columnist, serving a five-year prison sentence on trumped-up charges of organising mass riots and using violence against police officers.

DATE OF DETENTION

04/02
2013

PLACE OF DETENTION

PRISON NO. 13

BIOGRAPHY

Yagublu is an active participant of political opposition activities and a veteran of the Karabakh war. During the presidency of Abulfaz Elchibey, Yagublu worked as the first deputy head of the Binagadi district administration. Since 1992, Yagublu has been a member of Musavat party. He served as Binagadi district branch chairman and the secretary of the board of Musavat. Since 2010 Yagublu is deputy chairman of Musavat. He is also the columnist of "Yeni Musavat" newspaper. He has regularly published critical articles in the newspaper and social media.
CHARGES

Criminal Code Articles

220.1
(Organization of mass disorder accompanied with violence, breaking, arson, destruction of property, application of firearms, explosives, and also rendering of armed resistance to a representative of authority, or participation in such disorders)

315.2
(Use of violence dangerous to life or health, concerning a representative of authority in connection with their performance of official duties)

CASE BACKGROUND

On 23 January 2013, mass protests broke out in the Ismayilli region, where locals demanded resignation of the head of the local administration. The protests led to confrontation with police. A day following the protest, on 24 January, Yagublu visited Ismayilli as a journalist with his journalistic credentials, issued by Yeni Musavat newspaper. After observing events in the city centre with other journalists, he was detained by police and taken to the Ismayilli Regional Police Office, where he had a brief conversation with Deputy Police Chief Shohrat Karimov. Upon his release, Yagublu left the region accompanied by police officers. Pictures taken by journalists on that day clearly show Yagublu standing in the city centre when police detained him, with no violent protests taking place at the moment.

On 26 January, most of Azerbaijan’s television stations violated his right to presumption of innocence by reporting that the Ismayilli incidents were triggered by Yagublu and the Chairman of the Republican Alternative (REAL) Movement, Ilgar Mammadov. The media quoted the official statement, released by the Prosecutor General’s Office and the Ministry of Internal Affairs. The broadcasts described Yagublu as a criminal. On 29 January, Yagublu was summoned to the Grave Crimes Investigation Department of the Prosecutor General’s Office. He was released after being questioned about his Ismayilli visit. When Yagublu was summoned to the Investigation Department again on 4 February, he was arrested and sentenced to two months of pre-trial detention.

During the trial, the investigation failed to prove that Yagublu met with Ilgar Mammadov – who also faced the same charge – to plan a crime before or during the visit to Ismayilli. Ismayilli residents who were accused in connection with the protests, stated during his trial that they did not know Yagublu. The alleged victims in the criminal case stated in their testimony that they had neither material nor moral claims against the defendants. Nevertheless, Yagublu was sentenced to five years of imprisonment by the decision of the Sheki Grave Crimes Court on 17 March, 2014.

Yagublu has been recognised by Amnesty International as a prisoner of conscience. The report of the Council of Europe Human Rights Commissioner notes that the charge brought against the journalist is not convincing. An appeal has been filed with the European Court of Human Rights regarding Yagublu’s arrest.
Seymur Hazi

Azadliq newspaper reporter and presenter of the Azerbaijan Hour satellite television programme, serving a five-year prison sentence on trumped-up hooliganism charges.

DATE OF DETENTION

29/08 2014

PLACE OF DETENTION

PRISON NO. 17
CHARGES

Criminal Code Article

221.3

(hooliganism, when committed by applying objects used as arms)

CASE BACKGROUND

Commentator of “Azadliq” newspaper, presenter of the “Azerbaijan Hour” program and member of the Presidium of the Azerbaijan Popular Front Party, Seymur Hazi was detained on 29 August 2014. In Jeyranbati settlement near Baku, a person named Maharram Hasanov approached Seymur Hazi, asked him why he did not respond to his message in social media and physically attacked him without waiting for an answer. A police officer who arrived in the area shortly detained Seymur Hazi. On 30 August 2014, Absheron District Court made a decision on 2-month pre-trial detention of Seymur Hazi.

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 the other party in the incident, Maharram Hasanov, was sentenced to 6 months. During the court process, Seymur Hazi and his lawyers rejected the charges brought against him and stated that they were politically motivated.
Parviz Hashimli

Bizim Yol newspaper reporter, editor of the moderator.az website, and head of the human rights NGO Centre for the Protection of Political and Civil Rights, serving an eight-year prison sentence on trumped-up charges of organising the sale of weapons from Iran.

DATE OF DETENTION

17/09
2013

PLACE OF DETENTION

PRISON NO. 13
CHARGES

Criminal Code Articles

206.3.2  (Smuggling firearms or military weapon on preliminary arrangement by a group of persons)

228.2.1  (Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, or supplies by a group of persons)

CASE BACKGROUND

Parviz Hashimli, an employee of Bizim yol newspaper and the news website www.moderator.az, as well as the head of the human rights NGO Centre for the Protection of Political and Civil Rights, was detained on the evening of 17 September 2013 by employees of the Ministry of National Security (MNS). His house was searched, as well as the office of Bizim Yol newspaper. After the offices were searched, Hashimli’s computer and other property were confiscated. The MNS said that arms and ammunition were found in Hashimli’s home. The official statement released by the MNS, stated: “Hashimli, in collaboration with another defendant, Tavakkul Gurbanov, smuggled a huge amount of arms and ammunition they had bought from Iranian citizen for sale, from Iran to Azerbaijan, overpassing customs control, and illegally carried and stored these arms and ammunition.” On 18 September 2013, the Sabail District Court sentenced Hashimli to two months of pre-trial detention. Hashimli was publicly brought to the courthouse with a bag on his head. During the trial, Hashimli stated that he suffered an injury to his foot as a result of harsh treatment at the time of his arrest. He added that he had also been threatened with torture by the MNS.

A large group of MNS officers searched Hashimli’s house on the day of his arrest. Even though they had a search warrant, the officers first attempted to use windows to enter the house instead of just knocking on the door, although his five-year-old daughter and pregnant wife were at home. When it turned out that there safety cameras operated in the courtyard and inside the apartment, the officers broke the cameras. Although Hashimli’s wife called on the officers to invite their neighbours as well as the journalists who had come to the house during the search, she was ignored. Immediately after the doors opened upon conclusion of the search, Hashimli’s wife told the journalists and human rights defenders present that arms and ammunition had been deliberately planted in their apartment.

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

By a decision of the Baku Court of Grave Crimes on 15 May 2014, Hashimli was sentenced to eight years imprisonment.

Parviz Hashimli has been recognized by Amnesty International as a prisoner of conscience.
Nijat Aliyev

Editor-in-chief of the website azadxeber.az, serving a 10-year prison sentence on trumped-up charges of drug possession and the illegal import and sale of religious literature.

DATE OF DETENTION

21/03
2012

PLACE OF DETENTION

PRISON NO. 13
CHARGES

Criminal Code Articles

167.2.2.1 (Importing, distributing or selling religious literature, goods or any other religious informational content as a person or as part of a group without special dispensation with intent to sell or distribute)

234.1 (Illegal purchase or storage with intent to sell, manufacture, process, transport, or transfer narcotics or psychotropic substances)

281.2 (Public appeals for the violent capture of authority, violent deduction of authority or violent change of constitutional grounds or infringement of the territorial integrity of the Azerbaijan Republic, as well as distribution of materials of such content)

283.2.3 (Actions directed to incite national, racial, or religious hostility, humiliation of national advantage, as well as actions directed to restrict citizens’ rights, or establishment of the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with use of mass media by an organized group)

CASE BACKGROUND

Nijat Aliyev is editor-in-chief of www.azadxeber.az, a critical religious oriented website. Before Aliyev’s arrest, the website published materials criticizing the government’s policy in regard to freedom of religion, the allocation of too much funding for the Eurovision 2012 Song Contest, and the possibility of an LGBT parade in Baku. On the eve of the Song Contest, after disseminating these materials and CDs containing the speeches of theologians Abdul Suleymanov and Tale Bagirov, Aliyev and nine other religious activists were arrested. The journalist was first charged with possession of drugs. Eight months after his arrest, on 26 January 2013, three more grave charges were brought against Aliyev. This happened only two days after PACE failed to adopt a resolution on the situation of political prisoners in Azerbaijan.

On 9 December 2013, Baku Court of Grave Crimes sentenced Aliyev to 10 years in prison, the full sentence requested by the prosecutor. Nahid Mammadov, an employee of the State Committee on Work with Religious Organizations who was involved in the case as an expert, identified instances of inciting national hatred in the speeches contained on the CDs; however, he failed to explain the details of these instances in the trial. Even if such speeches actually existed, the calls were made by people not mentioned in this case, and not by Aliyev. Nonetheless, Aliyev was found guilty of the charges. A book titled “Möküzasız möküza” (“Miracle without miracle”) written by Arshad Azimzada, which was taken from the journalist’s house and is claimed to propagate religious extremism, speaks about fasting. The book has been published in Azerbaijan and is not banned. However, the investigation released an opinion against the journalist stating that the book had been imported and contains calls for religious extremism. During the presentation of the investigation’s findings, and while the expert was answering questions, it became clear that the expert opinion had been ordered from atop. Although the journalist himself, and his lawyer Yalchin Imanov, stated in the trials that Aliyev was tortured by police and sustained serious injuries at the time of arrest, these claims were not investigated.

Many international and local human rights groups believe that Nijat Aliyev was arrested for criticizing issues related to the Eurovision Song Contest, including the government’s high expenditures for the event and LGBT issues in connection with the contest, and questioned the need for the contest to be held in Azerbaijan. Amnesty International described the charges against the journalist as questionable.
Araz Guliyev

Editor of the website xeber44.com, serving an eight-year prison sentence on trumped-up charges of illegal possession of weapons, inciting hatred, and offensive action against the flag or coat of arms of Azerbaijan.

DATE OF DETENTION

09/09 2012

PLACE OF DETENTION

PRISON NO. 14
CHARGES

Criminal Code Articles

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

233  (Organizing actions promoting infringement of social order or actively participating in such actions)

283.1  (Actions directed to incite national, racial or religious hostility, humiliation of national advantage, as well as actions directed to restrict citizens’ rights, or establish the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with use of mass media)

315.2  (Resisting or using violence against a representative of authority)

324  (Actions insulting the national flag or state emblem of the Azerbaijan Republic)

CASE BACKGROUND

Araz Guliyev is the editor-in-chief of www.xeber44.com website, based in Masalli, Azerbaijan. The articles published on this website often criticized the government’s policies on religion, as well as social problems of the Masalli region. In connection with his activity on this website, Guliyev was repeatedly taken to the police station before his arrest, where he was warned to stop his activity. 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 at 3:00 am after an instruction from Deputy Police Chief Alifaga Kazimov. Around 9:00 pm on 8 September 2012, Guliyev and another Masalli resident, Ziya Tahirov, protested against the inclusion of a disco party in Nizami park in the programme of a folklore festival in Masalli. The two looked for organizers to get additional information for an article about the event. 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 in the park. The police car approached them, and Deputy Chief Alifaga Kazimov talked to them for about half an hour, after which it left the area. Afterwards, a group of 25 to 30 plain-clothed persons arrived at the scene, where they started insulting Guliyev and Tahirov and throwing stones at them. Police arrived a little later and beat and arrested the two men. Guliyev was charged with hooliganism and resisting police. Eleven days after the journalist’s arrest, on 20 September, his house was searched. After the search, it was claimed that a grenade had been found in the house.

In December 2012, Guliyev was charged with publishing articles containing religious enmity, violation of public order, arms possession, and insult of the state flag. On 5 April 2013 he was convicted and sentenced to eight years in jail by the Lankaran Court of Grave Crimes. The Shirvan Court of Appeals upheld the decision on 9 January 2014.

The search of the journalist’s house was conducted without a court decision and without the journalist’s presence. There were serious conflicts in the testimonies of the case witnesses, who attended the search, given in the investigation and in trial. None of the alleged victims faced Guliyev during the investigation. Most of them were police employees, and they all gave the same testimony in the trial. In fact, there was no evidence to support the alleged injury to the police employees. The state flag, which was allegedly torn, was not in the materials of the criminal case as evidence.
Khadija Ismayilova

Internationally renowned investigative journalist and Radio Free Europe/Radio Liberty programme host, serving a 7.5-year prison sentence on trumped-up charges of embezzlement, illegal entrepreneurship, tax evasion, and abuse of power.

DATE OF DETENTION

05/12/2014

PLACE OF DETENTION

PRISON NO. 4
Khadija Ismayilova is an award-winning investigative journalist who has worked with various media outlets for nearly 20 years. Ismayilova has written articles on political and economic topics in various media outlets, such as Zerkalo, Ekho, Caspian Business News, Eurasianet.org, Washington Times, BBC, Deutsche Welle, and Voice of America. From 2008 to 2010 Ismayilova was the head of the Azerbaijani service of Radio Free Europe/Radio Liberty, known locally as Radio Azadliq, after which she continued working there as a staff reporter and a host of a her own daily political radio program.

Khadija Ismayilova is a member of the Organized Crime and Corruption Reporting Project. Ismayilova has received national and international recognition for her investigative journalism and uncovering official corruption. In 2001, she was awarded “Zardabi” prize of the Azerbaijani Union of Journalists for her articles. In February 2012, she received “Gerd Buserius” Free Press of Eastern Europe award, and in October of the same year “Heroism in Journalism” award. Later she received Swedish National Press Club’s Freedom of Speech award. In May 2015, when Ismayilova was already in detention, she was awarded a prestigious media freedom award from the PEN American Centre. In September 2015 Ismayilova’s case was included in the FreeThe20 campaign, launched by U.S. Ambassador to the UN Samantha Power, highlighting 20 women political prisoners around the world.

Beginning in 2010, a series of her articles exposing state corruption in Azerbaijan caused great controversy as they explicitly named Azerbaijani President Ilham Aliyev, his wife Mehriban Aliyeva and their children as engaged in corruption. The government never issued a comment with regard to any of her reports. Two of these articles were named the best investigative reports of 2010 and 2011 by Radio Free Europe/Radio Liberty, Broadcast by RFE/RL’s Azerbaijani Service, the reports were widely heard within the country but pointedly ignored by officials, who refused to respond to the detailed information they contained. In apparent retaliation for her efforts, Ismayilova was secretly videotaped, publicly smeared, threatened, accused of treason – and finally sentenced to a long prison term.

It is also well known that Khadija Ismayilova was actively involved in supporting relatives and lawyers of political prisoners.

### Charges

**Criminal Code Articles**

- **125**
  - (inciting to suicide) – dropped

- **179.3.2**
  - (misappropriation and peculation, when committed in large amounts)

- **192.2.2**
  - (illegal entrepreneurship)

- **213.1**
  - (Abuse of power committed with the intent of affecting the results of an election or referendum)

- **313**
  - (Service forgery, that is submission by an official person of official documents containing clearly false data, or amending such documents to invalidate their contents, committed as a mercenary or through other personal interest)
Khadija Ismayilova’s arrest was made in the context of the investigation of a suicide attempt by Tural Mustafayev. Tural Mustafayev attempted a suicide by swallowing drugs called “medicine for mice” and soon filed an official complaint blaming Khadija Ismayilova in driving him into the attempt. However, later Mustafayev published several video statements where he declared that he had withdrawn his complaint against Khadija Ismayilova. He said that law enforcement and special service bodies pressured him to give testimony against Ismayilova.

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

After her arrest, new charges were brought against Ismayilova in accordance with Articles 179.3.2 (misappropriation and peculation, when committed in large amounts), 192.2.2 (illegal entrepreneurship), 213.1 (tax evasion) and 308.2 (abuse of official authority) of the Criminal Code. Khadija Ismayilova and her lawyers deny the charges brought against her and declare that her arrest was politically motivated due to her journalistic activities.

On 1 September, 2015, the Baku court found Ismayilova guilty of tax evasion, illegal business activity, and abuse of power. The court found her not guilty on a charge of inciting to a suicide attempt, after the complainant withdrew his complaint.

Khadija Ismayilova has serious health problems and has to receive medications and dietary products.
SELECTED SOURCES:


2) Political Prisoners Watch, https://www.prisoners.watch/en. The information was researched by JumpStart Georgia and Meydan TV.


5) Free Intigam Aliyev http://freeintigamaliyev.com/

6) Free Khadija http://freekhadija.org/