

PERMANENT MISSION OF THE REPUBLIC OF
AZERBAIJAN TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS
AT GENEVA



AZƏRBAYCAN RESPUBLİKASININ BMT-nin
CENEVRƏ SƏHƏRİNDƏKİ BÖLMƏSİ VƏ
DİGƏR BEYNƏLXALQ TƏŞKİLATLAR YANINDA
DAİMİ NÜMAYƏNDƏLİYİ

237 route des Fayards, 1290 Versoix, Suisse E-mail: geneva@mission.mfa.gov.az Tel.: +41 (0) 22 901 18 15 Fax: +41(0)22 901 18 44

№ 341/15/12

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the Joint Communication from Special Procedures (*ref: UA AZE 3/2015; 19 August 2015*), has the honor to transmit herewith the information with regard to the cases of Mrs. Leyla Yunus and Mr. Arif Yunusov.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 6 pages.



Office of the United Nations
High Commissioner for Human Rights
GENEVA

Fax: 022 917 90 08

E-mail: registry@ohchr.org

**Information concerning the joint communication from special procedures
AZE 3/2015 of 19 August 2015**

The case of Leyla Yunus and Arif Yunus

Detention and conviction of Mrs Leyla Yunusova and Mr Arif Yunusov

In April 2015 the Office of the Prosecutor General instituted a criminal case concerning facts of alleged high treason. In connection with the investigation of that case a necessity arose to question Mrs Yunusova and Mr Yunusov as witnesses. Both of them were served summons (on 25 April and 28 April respectively), but they did not appear before the investigative authority.

Mrs Yunusova and Mr Yunusov were arrested on the basis of the information obtained in the course of investigation; the facts established in the course of investigation gave rise to suspicions that they had committed not only the alleged high treason, but other criminal offences as well.

On 30 July, 2014 Mrs Yunusova was charged under Article 274 (high treason), Article 178.3.2 (large-scale fraud), Article 192.2.2 (illegal entrepreneurship), Article 213.2.2 (large-scale tax evasion), Articles 320.1 and 320.2 (falsification of official documents) of the Criminal Code. Mr Yunusov was charged under Article 178.3.2 along with Article 274.

The domestic judge, who examined the issue of Mrs Yunusova's pre-trial detention, took account of the fact that she had real estate abroad and bank accounts in foreign banks. The judge also took into consideration the fact that she repeatedly refused to appear before the investigative authority for questioning and tried to leave the country instead. Mrs Yunusova obtained foreign passport only several days before the attempt to leave the country and after she received summons. Also, the tickets were purchased on the day of the intended flight.

The judge also noted that Mrs Yunusova had close ties with individuals who were intended to be interrogated within the criminal proceedings and therefore was able to hinder the proper conduct of the proceedings.

As regards Mr Yunusov, on 30 July 2014 the Investigative authority decided to place him under police supervision taking account of his state of health.

17/07/2015 12:00 001225011077 PROSECUTION REPRESENTATION PAGE 33

Mr Yunusov failed to observe the conditions of the restrictive measure. On 5 August 2014 the Nasimi District Court ordered Mr Yunusov's pre-trial detention. The judge also took into account the fact that Mr Yunusov attempted to leave the country on 28 April 2014 and that he failed to observe the conditions of the restrictive measure of police supervision. It was also noted in the decision that Mr Yunusov's state of health did allow to apply the restrictive measure of detention on remand.

In July 2015, the counts of the criminal case concerning alleged large-scale fraud, illegal entrepreneurship, large-scale tax evasion and falsification of official documents were submitted for court examination. By the judgment of 13 August 2015 the court found Mrs Yunusova guilty of large-scale fraud (Mrs Yunusova together with Mr Yunusov, her husband, misappropriated and transferred to a foreign bank account USD 78,130 belonging to another NGO); of illegal entrepreneurship and large-scale tax evasion (while Mrs Yunusova's NGO, the Institute for Peace and Democracy, was not registered with the Ministry of Justice, she operated under the "umbrella" of another NGO (which had been registered with the Ministry of Justice), using forged official documents for this purpose, and received illegal income in the amount exceeding USD 900,000 and failed to pay taxes in the amount exceeding USD 300,000). Mr Yunusov was found guilty of large-scale fraud.

The investigation of the count concerning the alleged high treason continues.

Participation in the court hearings

Representatives of mass media, a number of local and international NGOs, as well as of the US, German, French, Dutch and British Embassies and of the Representation of the European Commission in Baku observed the trial in the case of Mrs Leyla Yunusova and Mr Arif Yunusov. Also a member of the European Parliament observed the court hearings.

State of health of Mrs Leyla Yunusova

On 31 July 2014, Mrs Yunusova was admitted to the Baku Pretrial Detention Facility of the Ministry of Justice.

During the initial examination, [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Following the examination, Mrs Yunusova was diagnosed [REDACTED]
[REDACTED]
[REDACTED]

Mrs Yunusova was explained [REDACTED]
[REDACTED]

On 19 August 2014, Mrs Yunusova's [REDACTED]
[REDACTED]

In October 2014, she was consulted [REDACTED]
[REDACTED]

During the examination by [REDACTED] Mrs Yunusova
[REDACTED]
[REDACTED]

Having regard to the fact that Mrs Yunusova [REDACTED]
[REDACTED]

in November 2014 she was suggested to undergo
examination [REDACTED]
[REDACTED]

In November 2014, Mrs Yunusova repeatedly refused [REDACTED]
[REDACTED]
[REDACTED]

On 11 December 2014 [REDACTED]
[REDACTED]

She was advised to continue her treatment as previously prescribed.

In early December, Mrs Yunusova continued [REDACTED]
[REDACTED]

On 12 December 2014 the prosecutor received a request from the Mrs Yunusova's lawyer
alleging deterioration of her state of health and asking for her forensic examination. On the

same date the forensic examination was ordered by the prosecutor. Mrs Yunusova again refused to be examined by doctors and, consequently, her lawyer submitted the second request asking for medical examination. The examination was completed on 28 December 2014 and revealed no worsening in her state of health.

On 18 December 2014, Mrs Yunusova complained [REDACTED]

On 29 December 2014, the Penitentiary Administration invited [REDACTED] to conduct medical examination of Mrs Yunusova. Examination was held at [REDACTED] with participation of leading medical professionals, [REDACTED]

[REDACTED] During the examination the following steps have been taken:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In January 2015, a group of doctors, [REDACTED]

During the past months medical staff has continually visited Mrs Yunusova to provide her with consultation and offer a medical examination.

On 12 March 2015 Mrs Yunusova was again examined [REDACTED]

confirmed. [REDACTED] He confirmed that there was no difference between the results of this examination with the last one. [REDACTED]
[REDACTED]
[REDACTED]

In March 2015 medical staff has continually visited Mrs Yunusova to provide her with consultation [REDACTED]. However, she continued to refuse from consultation and medical examination [REDACTED]
[REDACTED]

On 1 April 2015, Mrs Yunusova was visited and examined [REDACTED]. Following the examination, [REDACTED]
[REDACTED]

In the months followed Mrs Yunusova's state of health was under constant medical control, and it was evaluated as satisfactory; no deterioration in her health has been noticed.

On 13 July 2015, Mrs Yunusova was examined [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Results of the examination indicated that her state of health was stable and [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

As from 14 July 2015, Mrs Yunusova started to take [REDACTED]
[REDACTED]

On 14 August 2015, Mrs Yunusova was examined, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Results of the examination showed that her state of health was stable and indicated to the absence of any new pathologies, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

At present, her state of health is stable and satisfactory; no deterioration in her health has been noticed.

State of health of Mr Arif Yunusov

On 6 August 2014, Mr Arif Yunusov was admitted to [REDACTED]
[REDACTED]

During the initial examination, Mr Yunusov's state of health was evaluated as satisfactory. He did not complain as to any uneasiness or diseases, but informed that had suffered [REDACTED]
[REDACTED]

On 7 August 2014, Mr Yunusov [REDACTED]
[REDACTED]

Mr Yunusov's state of health was under the constant medical control, and it was evaluated as satisfactory; no deterioration in his health has been noticed.

On 3 August 2015, during the court hearing Mr Yunusov lied down on the bench in the courtroom and Mrs Yunusova asked for medical aid for him. Emergency doctors called upon by the court officers diagnosed Mr. Yunusov [REDACTED]. Following their intervention, Mr Yunusov's [REDACTED] and he was able to continue participation in the hearing. However, the hearing was postponed till the next day, following the doctor's advice.

Mr Yunusov passes general medical examination on a monthly basis. On 26 August 2015, Mr Yunusov under went [REDACTED]
[REDACTED]