



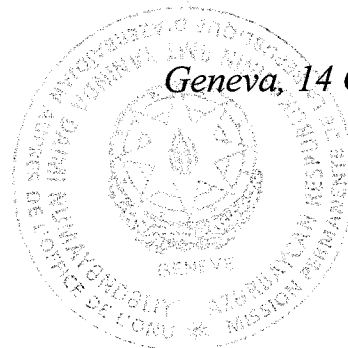
№ 392/14/12

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 Letter of Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on the situation of human rights defenders (*Ref: UA AZE 4/2014 dated 12 August 2014*) has the honour to transmit herewith the information on the criminal cases against L.Yunusova, A.Yunusov and R.Jafarov.

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: 5 pages.

Geneva, 14 October 2014



THE OFFICE OF THE UN HIGH
COMMISSIONER
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Information on the criminal case against Leyla YUNUSOVA and Arif YUNUSOV

On 19 April 2014, Azerbaijani citizen MIRGADIROV Rauf Habibulla oglu was detained as a suspect for premeditated assistance to spying activity by the Intelligence Service of the Republic of Armenia. On 21 April 2014, he was charged with high treason, subject to Section 274 of the Penal Code of the Republic of Azerbaijan, and arrested subject to an arrest warrant issued by a district court.

According to the findings, YUNUSOVA Leyla Islam gizi, the founder and chairman of the unincorporated (not registered with the relevant state authority) *Peace and Democracy Institute* [since 2002], in cooperation with SHAHNAZARYAN David Gurgenovich, BAGDASARYAN Laura Seyranovna and others, received grants from international organizations under the pretext of running joint projects with Armenian *Region Research Center* and other NGOs within the framework of so-called "people's diplomacy", acting against the security of the Republic of Azerbaijan. She collected substantial amount of money using these grants, as well as funds transferred by Karen OHAJANYAN from a British bank in 2002 and *Journalist Investigation NGO* from a Yerevan-based bank in July 2004 to the accounts of her husband YUNUSOV Arif Seyfulla oglu, who worked, until May 2005, as a head of department in the Institute that she chaired. The mentioned funds were used in order to probe personal qualities and improve the material well-being of persons, who were planned to be engaged in spying activity. To this end, Leyla YUNUSOVA and her husband Arif YUNUSOV jointly arranged the visit of MIRGADIROV Rauf Habibulla oglu to the Republic of Armenia via the Republic of Georgia on numerous occasions.

Arif YUNUSOV joined Rauf MIRGADIROV in a number of such visits in order to meet the former Minister of National Security of the Republic of Armenia David SHAHNAZARYAN and employees of other institutions operating under direct oversight of the Armenian Intelligence Service.

Leyla and Arif YUNUSOVs also liaised several citizens of the Republic of Azerbaijan, whose names have not been disclosed yet, with representatives of the Armenian intelligence service in order to secure their engagement in secret cooperation. Leyla and Arif YUNUSOVs executed their mission by giving those citizens instructions to collect information on state of affairs in public, political, industrial, energetic and military equipment areas, and on advocating the necessity of recognizing the independence of the self-proclaimed Nagorno-Karabakh regime in exchange for liberation of the occupied territories adjacent to Nagorno-Karabakh Area of Azerbaijan.

As a result, they have persuaded Rauf MIRGADIROV to render the precise location schemes of military units, airbases and state institutions of strategic significance along with photo images to representatives of the Armenian intelligence service.

Furthermore, on 21 November 2002, Leyla YUNUSOVA, being the founder and director of the *Institute for Peace and Democracy*, intentionally recorded false information in official documents and submitted them to the *Unibank OJSC (Open Joint-Stock Company)* in order to obtain a check-book, authorizing her to conduct operations with the funds deposited to the bank account of the *Society of Women of Azerbaijan for Peace and Democracy for the Transcaucasus (SWAPDT)*, an NGO registered on 27 March 1996. The false information stated that Leyla YUNUSOVA was the director of the SWAPDT. In 2006-2014, Leyla YUNUSOVA ensured the transfer of 167,199.00 manats, 620,878.00 US dollars and 235,745.00 Euros from the *US National Endowment for Democracy (NED)* and the *German Marshall Fund*. Subsequently, in violation of the requirements of the Accounting Act of the Republic of Azerbaijan, Leyla YUNUSOVA cashed the funds and gained profit in the amount of 526,943.00 manats, by means of grant agreements, which had not been registered with the competent state authority, as required by law; thereby she was engaged in illegal entrepreneurial activity and evaded to pay taxes in the amount of 369,378.00 manats, which were due to be paid to the state budget according to the tax legislation.

In 2009-2012, Leyla YUNUSOVA counterfeited official authorizing documents in order to cash 88,468.00 US Dollars out of 88,910.00 US Dollars transferred to the accounts of the *Society of Women of Azerbaijan for Peace and Democracy for the Transcaucasus* by the *National Endowment for Democracy (NED)*, *German Marshall Fund* and *OSI Assistance Foundation*. Subsequently, she took 71,000.00 US Dollars out of the mentioned amount and deposited it with her personal bank account. On 24 April 2014 she withdrew money from that account, which at the time constituted 78,130.00 US dollars, due to accumulated interest, and according to an agreement that she reached with her husband Arif YUNUSOV in advance, deposited the money with the personal account of her husband, who then transferred the money to his personal account in *Sberbank CZ* in the Czech Republic, thereby giving ground to reasonable suspicion of misappropriation of funds by abusing the credit of the owner.

Although Leyla and Arif YUNUSOVs were summoned repeatedly by the investigative authority in order to obtain their testimonies on the abovementioned circumstances, they failed to do so under different pretexts, without a valid reason. Therefore the investigative authority issued a mandatory summons order according to Section 178 of the Criminal Procedure Code of the Republic of Azerbaijan on the 25 July 2014.

Based on the reasonable suspicion, on 30 July 2014, Leyla YUNUSOVA was charged with the criminal offences of fraud under Section 178.3.2, illegal entrepreneurship under Section 192.2.2, tax evasion under Section 213.2.2, treason under Section 274, counterfeit of official documents under Section 320.1 and use of the counterfeited documents under Section 320.2 of the Penal Code of the Republic

of Azerbaijan. Due to the facts that Leyla YUNUSOVA attempted to flight from country and failed to comply with summons issued by the investigation authority without a valid reason; as well as based on the information that she exerted influence upon AZIZOVA Matanat Murshud gizi and other witnesses in order to affect their impartial testimonies; and due existence of sufficient grounds to believe that she could go into hiding from the investigation authority and obstruct the normal course of investigation, if left free, a district court issued an arrest warrant in respect of Leyla YUNUSOVA.

Due to poor health conditions, the court issued police oversight measure as a restrictive measure in respect of Arif YUNUSOV. However, Arif YUNUSOV have breached on numerous occasions conditions of the restrictive measure imposed on him. He left the boundaries of the district of his residence on several occasions without a permission of the police, communicated with persons who were or could be subject to criminal prosecution within the criminal case, and failed to appear before the police according to fixed time-schedule.

Taking account of the above violations, on 5 August 2014, a district court replaced the restrictive measure of police oversight with the arrest.

Leyla YUNUSOVA and Arif YUNUSOV were granted all the rights provided by the legislation on criminal procedure, including right to legal aid, right to defense and other rights. They enjoy the service of lawyers of their choosing.

Presently, the criminal investigation is underway.

State of health of Leyla YUNUSOVA

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

During the initial examination, her psychoneurological status was evaluated as satisfactory, her physiological indicators marked within normal range. Fluorography and electrocardiography examination did not reveal any pathological changes. Ultrasonic examination of her cavitas abdominis and external examination of her body confirmed her information as to surgical interventions she had had before the arrest. General and biochemical blood analysis established the blood sugar level a little higher than the normal range and the HCV (according Leyla YUNUSOVA, HCV was established in her blood in 1997 and diabetes in 2009).

Following the examination, Leyla YUNUSOVA was diagnosed with diabetes mellitus type 2, gallstone, solitary cyst (0.91 cm) in the left nephros, chronic hepatitis of C origin, OU pseudophakia (replacement of lenses with intraocular lenses).

Leyla YUNUSOVA was explained the rules of diabetic diet and provided with a blood sugar meter to monitor the level of sugar in her blood.

During the pretrial detention Leyla YUNUSOVA keeps to a diabetic diet and takes medication prescribed by her personal doctor.

On 19 August 2014, Leyla YUNUSOVA underwent a new blood-test for sugar and HCV in the Clinic of the Medical Department of the Ministry of Justice and in one of the private clinics.

At present, Leyla YUNUSOVA's state of health is satisfactory. The stones in the cholecystitis do not cause any uneasiness, or lead to painful or inflammation process. Sugar level is being corrected by medication. During the pretrial detention any sharp rise of sugar in the blood was not recorded.

On 23 September 2014, Leyla YUNUSOVA, while staying in bed, told that she was feeling sick without raising any concrete complaints. On the same day and the day after, she was examined by a doctor. It was established that her heart rate, blood pressure and body temperature were within normal range. Level of blood sugar was also within the admitted range.

State of health of Arif YUNUSOV

On 6 August 2014, Arif YUNUSOV was transferred to the Pretrial Detention Facility of the Ministry of National Security.

During the initial examination, Arif YUNUSOV's state of health has been evaluated as satisfactory. He has not complained as to any uneasiness or diseases, but informed that had suffered from arterial hypertension as from 2006.

On 7 August 2014, the medical doctor noted in Arif YUNUSOV's medical record that the latter had informed about the arterial hypertension he had allegedly suffered as from 2006 and the medical treatment in this respect; however, Arif YUNUSOV could not remember the medicines prescribed. Electrocardiography made on that day did not reveal any pathology.

According to the medical record issued by the Head of the Medical Service on 29 September 2014, Arif YUNUSOV's state of health was satisfactory, and he had not seek medical attention during the pretrial detention. His respiration is vesicular, heartbeat is clear; heart rate is 72/min. and arterial tension is 140-90.

Information on the criminal case against Rasul Jafarov

The Financial Monitoring Service revealed within a pending criminal investigation some suspicious bank transactions conducted by an unincorporated (not registered with the relevant state authority) "Human Rights Club". Rasul JAFAROV was a co-founder and the chairman of that NGO. The NGO's activity was examined by experts of the Ministry of Taxation and the Ministry of Finance following a court order. The examination has led to a reasonable suspicion that Rasul JAFAROV had gained profit in the amount of 147,900.00 manats, by means of grant agreements, which had not been registered with the competent state authority, as required by law; thereby he was engaged in illegal entrepreneurial activity and evaded to pay taxes in the amount of 6,162.00 manats, which were due to be paid to the state budget according to the tax legislation.

Based on that reasonable suspicion, on 2 August 2014, Rasul JAFAROV was charged with the criminal offences of illegal entrepreneurship under Section 192.2.2, tax evasion under Section 213.2.2 and abuse of office under Section 308.2 of the Penal Code; he was detained on remand by a court order.

The investigation is pending.

Rasul JAFAROV underwent medical examination after he was transferred to the pre-trial detention facility. No pathologies or other health problems were revealed. He had no complaints as to his health conditions or treatment at the detention facility, which is confirmed by public statements made by his lawyer.