



**ANNEX**

**1. Are the facts alleged in the communication accurate?**

Mr. Ulvi Hasanli, Mr. Majid Majidli and Mr. Kanan Gasimli prevented the free flow of passengers by sticking papers of different nature on the escalator in the “Ichari shahar” metro station on 13 July 2013 at around 16.30. While the acts by the said persons contradicted to the Articles 5.1.22 (prevention of organized passenger flow) and 5.1.30 (publicity in the metro premises without relevant permit) of the Terms of Use of Baku Metro, police officers serving in the same territory requested from them to halt illegal actions.

As they did not comply with the legal demands of police officers in charge of protection of public order and continued on with the prevention of organized flow of passengers, Mr. Ulvi Hasanli, Mr. Majid Majidli and Mr. Kanan Gasimli were brought to the Police division of Baku Metro. The rights defined by the law were explained to the detained persons and they enjoyed the legal assistance by lawyer Mr. Rustam Zulfugarov working on an individual basis. On the same day, administrative protocols were compiled under the Article 310.1 of the Code on Administrative Offences of the Republic of Azerbaijan (failing to comply with the legal demands of police personnel or military serviceman on purpose) and were submitted to the Baku city Sabail district court for consideration. These 3 persons were sentenced to an administrative detention for 15 days by the decisions of the court.

Thus, alleged reference of the detention of Mr. Ulvi Hasanli, Mr. Majid Majidli and Mr. Kanan Gasimli to the upcoming presidential elections as well as their reported deprivation from legal assistance mentioned in the communication does not reflect the reality.

**2. Has a complaint been lodged by or on behalf of the alleged victims?**

The appeal complaints lodged by their lawyer Mr. Rustam Zulfugarov were considered by the Baku Court of Appeals on 19 July 2013 which upheld the decisions of the Sabail district court without change.

**3. Please provide information concerning the legal grounds for the arrest and detention of Mr. Ulvi Hasanli, Mr. Majid Majidli and Mr. Kanan Gasimli; and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.**

Their detention was in line with the national legislation and did not violate the requirements of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. All the procedures defined by the international legal norms and national legislation were applied about them. The reasons of detention were explained to all 3 persons, the case file against them was

considered in an open manner by complying with all demands of the justice. During their detention term Mr. Ulvi Hasanli, Mr. Majid Majidli and Mr. Kanan Gasimli were not subjected to inhuman or degrading treatment, their rights defined by the law were ensured and they were freed after the completion of the sentence.

**4. Please provide details of the legal basis for the detention of the above mentioned individuals and how it is compatible with the international norms and standards of the right to freedom of opinion and expression.**

Mr. Ulvi Hasanli, Mr. Majid Majidli and Mr. Kanan Gasimli did not comply with the legal demands of police officers on halting their actions related to the prevention of the organized passenger flow and publicity in the metro premises without the relevant permit in contradiction with the Articles 5.1.22 and 5.1.30 of the Terms of Use of Baku Metro endorsed by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 179 dated 19.10.2010. The mentioned actions together with the Article 310.1 of the Code on Administrative Offences of the Republic of Azerbaijan (failing to comply with the legal demands of police personnel or military serviceman on purpose) consider the administrative detention of the offender for up to one month. Therefore, the measure of responsibility about these 3 persons was not related to the exercise of the right to freedom of opinion and expression but to the specific offence that they committed.

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