



№ 193/14 / N

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 Rapporteurs Al Assembly & Association (2010-1) G/SO 214 (107-9) AZE 2/2014 dated 6 May 2014, has the honor to transmit herewith the information received from the General Prosecutor's Office of the Republic of Azerbaijan.

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: 2 pages.



THE OFFICE OF THE UN HIGH
COMMISSIONER
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Reference on the criminal case no. 132006062 about the imprisonment of Mammadli Anar Asaf oglu, Suleymanov Bashir Suleyman oglu and Mammadov Elnur Akif oglu under the Articles 179.3.2,192.2.2, 213.1, 308.2, and 313 of the Criminal Code

It was identified that questioning, examination, search and seizure, and other numerous investigative actions were taken in accordance to the criminal case initiated under the Articles 192.2.2, 192.2.3, 213.2.1, 213.2.2, 308. 2 of the Criminal Code of the Republic of Azerbaijan on 29.10.2013 on the materials delivered from the Ministries of Tax and Finance of the Republic of Azerbaijan about unlawful entrepreneurship of high-ranking individuals of the “Volunteers International Cooperation Public Union” and “Election Monitoring and Democracy Studies Centre” through tax evasion and gaining a great deal of money by abusing power. After arranging necessary expertise a revision was conducted with the participation of the experts from the same ministries and Council of State Support to the NGOs under the ruling of the Baku City Nasimi District Court dated 30.10. 2013 on finding out if the accounting conformed with the current legislation, tax law was obeyed and checking lawfulness of the income distribution.

Within the investigation of the criminal case Anar Mammadli Asaf oglu, Head of “Election Monitoring and Democracy Studies Centre”, Bashir Suleymanli Suleyman oglu, the Executive Director of the same organisation and Elnur Mammadov Akif oglu, the President of the “Volunteers International Cooperation Pubic Union” were brought to investigation as witnesses and questioned according to the Articles 226-227 of the Code of Criminal Procedure of the Republic of Azerbaijan.

Investigative actions of search and seizure in the office of “Election Monitoring and Democracy Studies Centre” were conducted under the judgment of Baku City Nasimi District Court on 30.10.2013 in compliance with the requirements of the Articles 242-245 of the Code of Criminal Procedure of the Republic of Azerbaijan.

According to the collected evidence related to the case Anar Mammadli, Head of “Election Monitoring and Democracy Studies Centre” embezzling grants from donor organizations stole a great deal of money - 64203,59 Manats in systematic way in conspiracy with Executive Director Bashir Suleymanov and Elnur Mammadov, the President of “Volunteers International Cooperation Public Union” in 2008-2013, through the contracts with several people for various services and actions; evaded tax from the state budget in the amount of 27517,61 Manats and committed positional falsification being engaged in unlawful entrepreneurship by gaining large amount of money - 109529,67 Manats.

On 16.12.2013 Anar Mammadli and Bashir Suleymanov were declared accused under the Articles 192.2.2, 213.1, 308. 2 of the Criminal Code of the Republic of

Azerbaijan, Elnur Mammadov under the Articles 192.2.2, 213.1, 308. 2 and 313. A recognizance not to leave was issued about Bashir Suleymanli and Elnur Mammadov, while Anar Mammadli was imprisoned under the decision of Baku City Nasimi District Court. On 19.03.2014 the accused Anar Mammadli and Bashir Suleymanov were recharged under the Articles 179. 3.2, 192.2.2,, 213.1, 308. 2 and 313 of the Criminal Code of the Republic of Azerbaijan, and Elnur Mammadov under the Articles 179.2.2, 179.2.3, 179. 2.4, 174.3.2, 192.2.2, 213.1, 308. 2 and 313 of the same Code. On 05. 04.2014 the indictment was confirmed and the case was forwarded accordingly to the Baku Court on Grave Crimes.

On 26.05.2014 in the judgment of Baku Court of Grave Crimes Anar Mammadli was found guilty under the Articles 179.3.2, 192.2.2, 213.1, 308. 2 and 313, and sentenced to 5 years and 6 months imprisonment serving it in a low security prison and being definitely deprived of the right to take high and materially responsible position in state or local self-government bodies for 3 years according to the Articles of 62 and 66.3 of the Criminal Code. Bashir Suleymanli also was found guilty under the Articles 179.3.2, 192.2.2, 213.1, 308. 2 and 313 of the Criminal Code of the Republic of Azerbaijan and sentenced to 3 years 6 months imprisonment serving it in a low security prison and being definitely deprived of the right to take high and materially responsible position in state or local self-government bodies for 2 years according to the Articles of 62 and 66.3 of the Criminal Code. Elnur Mammadov was found guilty under the Articles 179.3.2, 192.2.2, 213.1, 308. 2 and 313 of the Criminal Code of the Republic of Azerbaijan and sentenced to 3 years 6 months imprisonment serving it in a low security prison and being definitely deprived of the right to take high and materially responsible position in state or local self-government bodies for 2 years according to the Articles of 62 and 66.3 of the Criminal Code. However, the 3years 6 months imprisonment sentence pronounced for Elnur Mammadov was applied with the condition of 2 years of probation in compliance with the Article 70 of the Criminal Code of the Republic of Azerbaijan.

**GENERAL PROSECUTOR'S OFFICE OF
THE REPUBLIC OF AZERBAIJAN**