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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: AL AZE 4/2015; 31 August 2015*), has the honor to transmit herewith the information with regard to the cases of Mr. Rasim Aliyev.

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: 3 pages.

Geneva, 30 October 2015



Office of the United Nations
High Commissioner for Human Rights
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INFORMATION

about the consideration of the appeal addressed by the UN special rapporteurs to the Azerbaijani side concerning the death of Aliyev Rasim Mammadali oghlu

The appeal addressed by the UN special rapporteurs to the Azerbaijani side concerning the death of Aliyev Rasim Mammadali oghlu, sent to the Presidential Administration of the Republic of Azerbaijan via the Ministry of Foreign Affairs of the Republic of Azerbaijan has been considered.

It was established that on 09.08.2015 at 5:20 Sabail District Prosecutor's Office has been reported about the death of Rasim Aliyev Mammadali oghlu, born on August 16, 1984, residing at: A.Nazmi str. 1, Sabail district, Baku city, and acting as a journalist.

During the investigation carried out on the basis of the above information, it was found that on 08.08.2015 at about 16:00 Aliyev Rasim Mammadali oghlu, employee of «Ann.az» website was beaten by a group of unidentified persons in front of the store «Bayil market» located at Neftchi Gurban 62 A, Bayil settlement, Sabail district. He was immediately placed in the Clinical Medical Center with a closed injury of the chest and abdomen, displaced fractures of VIII and IX ribs on the right, damage of both lungs, rupture of the spleen and the tail of the pancreas, as well as with the diagnosis of internal bleeding and acute loss of blood. As a result of injuries he died in the same hospital on 09.08.2015 at 05:20.

On 09.08.2015 Azer Asgarov, the acting prosecutor of Sabail district, senior counselor of justice, was charged to initiate a criminal case on this fact under article 126.3 of the Criminal Code of the Republic of Azerbaijan. The investigation process was entrusted to the Investigation Department of Baku city Prosecutor's Office; a joint investigation team under the supervision of the investigator Kamran Mammadov was set up.

On 09.08.2015, as a result of urgent investigatory-operative measures Ismayilov Elshan Imran oghlu, Madatov Kanan Elshad oghlu, Mammadov Jamal Fazail oghlu, Aliyev Arif Nuraddin oghlu, Mustafayev Samir Shakir oghlu, who participated in the crime, were detained as suspects. On 10.09.2015 Elshan Ismayilov, Jamal Mammadov, Kanan Madatov and Samir Mustafayev involved as suspects were charged under Articles 126.3 and 177.1 of the Criminal Code; a measure of restraint in the form of arrest for 4 months was applied against them.

As a result of the investigation it was revealed that Ismayilov Elshan Imran oghlu is cousin of Huseynov Javid Shakir oghlu (uncle's son), player of «Gabala» football team. I.Elshan has learned that the employee of «Ann.az» website Aliyev Rasim Mammadali oghlu has criticized on his «facebook» page J.Huseynov's interview (his hand movements during the interview) with the Cypriot journalist after

a match of «Gabala» football team with the football team of the Republic of Cyprus «Apollon», which was held in Baku on August 6, 2015. After that, he got in touch with the latter by mobile phone. During the telephone conversation there aroused a conflict between them. Pre-grouped with his close friends - sportsmen Aliyev Arif Nuraddin oghlu, Mustafayev Samir Shakir oghlu, Mammadov Jamal Fazail oghlu and Madatov Kanan Elshad oghlu for the purpose of revenge he arranged an appointment in front of the store «Bayil market» located at the Neftchi Gurban 62 A, Bayil settlement, Sabail district. On August 8, 2015 I.Elhsan arrived at the venue at about 18:00 on a vehicle of «Kia Sportage» make (the state number plate 90 TT 6760), driven by K.Mamedov. They met with the journalist Aliyev Rasim Mammadali oghlu, together with members of the group inflicted numerous blows and kicks in various parts of his body. Rasim Aliyev was exposed to physical torments. With the extreme cruelty they have inflicted damages posing serious threat to health, which has led to closed trauma of the chest and abdomen, displaced fractures of the left V-VI ribs along the axillary line, left V-VIII ribs along the left line of the spine, damages to both lungs, rupture of the spleen and tail portion of the pancreas. Thereafter, they have escaped. Rasim Aliyev was immediately taken to the Clinical Medical Center № 1. Despite the fact that the doctors provided medical assistance, on August 9, 2015, he died in the same hospital as a result of the injuries. Thus, pre-grouping by Elshan Aliyev, inflicting heavy injuries to with extreme cruelty have caused the death of Rasim Aliyev.

During the investigation, the mobile phone of the brand IPHONE 5 belonging to Rasim Aliyev was taken from the accident scene, which was broken and thrown by the latter in the trash not far from the restaurant "Arzu" in the Bakikhanov settlement. During the inspection of the place the broken parts of the mobile phone were found and taken.

In addition, Rasim Aliyev's wallet was taken by Elshad Aliyev from the place of accident. Witness Mukhtarov Anar Azer oghlu gave evidence in this regard; during a confrontation with E.Ismayilov he fully confirmed his testimony.

Moreover, it was established that Huseynov Javid Shakir oghlu, player of «Gabala» football team, was aware of the fact that his cousin (aunt's son) Ismayilov Elshan Imran oghlu has learned that the employee of «Ann.az» website Aliyev Rasim Mammadali oghlu has criticized on his «facebook» page J.Huseynov's interview (his hand movements during the interview) with the Cypriot journalist after a match of «Gabala» football team with the football team of the Republic of Cyprus «Apollon», which was held in Baku on August 6, 2015; on August 8, got in touch with the latter by mobile phone; had a verbal conflict with him; pre-grouped with his close friends in order to revenge, and with extreme cruelty have inflicted heavy physical injuries. In other words, J.Huseynov being aware of planning by E.Ismailov of a grave crime and being able to influence him not to commit the crime, did not take any measures to discourage these illegal acts; despite E.Ismayilov's insistence in the implementation

of the planned crime he has not informed the law enforcement bodies about the crime in; instead he did nothing to report about the planning of a grave crime - deliberate infliction of serious damages to health as provided for in the Criminal Code of Azerbaijan Republic.

Moreover, Javid Huseynov decided to hide the crime committed by E.Ismailov and others after he got informed that on August 8, 2015 at about 17:00 his relative Elshan Ismayilov and a group of 5 persons met with Aliyev Rasim Mammadali oghlu in front of the store «Bayil market» located at the Neftchi Gurban 62 A, Bayil settlement, Sabail district, with the purpose of revenge for criticizing statements on his «facebook» page, severely beat him, inflicted heavy damages posing a threat to health, thereby causing a death as a result of intentional serious harm to health under Article 126.3 of the Criminal Code of the Republic of Azerbaijan. In order to implement his criminal intentions on the same day at about 22:00 J.Huseynov arrived in Clinical Medical Centre where Rasim Aliyev was placed. Giving a variety of promises he persuaded the latter not to report this crime to the official state bodies. Thereafter previously not promising to hide a grave crime he instructed his cousin to delete correspondence carried on «Whatsapp» (program for mobile phones) before committing the crime, which represented testimonial importance in criminal proceedings.

For this reason, on 10.08.2015 the football player Huseynov Javid Shakir oghlu was detained as a suspect under Articles 307.1 and 307.2 of the Criminal Code. On 11.08.2015, his was charged under the same articles and a measure of restraint for a period of 3 months was applied against him.

Also, it was established that Aliyev Rasim Mammadali oghlu graduated from the Faculty of Automation of production processes (Bachelor's degree) of Azerbaijan State Oil Academy (full-time department). Later he worked as an operator-editor in the public association "Institute for Reporters' Freedom and Safety" (RATI). From January 2015 until the day of the accident he worked as a video-reporter in «Ann.az» website.

During the preliminary investigation mobile phones and clothes, which were on the accused persons on the day of the accident, have been exempted.

Conclusions of the forensic, comprehensive forensic criminalistics and forensic-biological, as well as forensic computer-technical, forensic-materials science expertise were obtained. Also, with the exception of Javid Huseynov against other accused persons complex forensic psychiatric and psychological examination was appointed.

Currently, the criminal investigation is ongoing.

It is advisable to inform the Consular Department of the Ministry of Foreign Affairs regarding the above.

Prosecutor General's Office of the Republic of Azerbaijan