

**Azərbaycan Respublikasının  
Cenevrədəki BMT Bölməsi  
və digər beynəlxalq təşkilatlar yanında  
Daimi Nümayəndəliyi**



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations in Geneva**

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Ref: 0610/12/23/33

08 December 2023

Ms. Beatriz Balbin  
Chief of Special Procedures Branch  
Office of the United Nations High Commissioner  
for Human Rights  
Geneva

Dear Ms. Balbin,

Please find attached the information submitted in response to the joint communication Ref.: AL AZE 3/2023 of 13 October 2023 sent by the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention, the 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 right of everyone to the enjoyment of the highest attainable standard of physical and mental health prepared by respective agencies and institutions of Azerbaijan.

I would be grateful if the attached information could be transmitted to the above-listed mandate holders.

*Enclosure: 8 pages*

Sincerely,

A handwritten signature in blue ink, appearing to read 'Galib Israfilov', written over a horizontal line.

Galib Israfilov  
Permanent Representative

Ms. Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Mr. Matthew Gillett  
Vice-Chair on communications of the Working Group on Arbitrary Detention

Ms. Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mr. Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Ms. Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Ref.: AL AZE 3/2023

The Republic of Azerbaijan (Azerbaijan) acknowledges receipt of your joint communication dated 13 October 2023 (Joint Communication) with regard to alleged harassment and arbitrary detention of human rights defender Dr. Gubad Ibadoghlu and his wife in Baku, Azerbaijan. Azerbaijan notes that the Joint Communication relies primarily on inaccurate information from unknown sources which intends to create false picture of the ongoing criminal case investigations and puts under question the independence and fairness of the judiciary system in the country. Azerbaijan welcomes this opportunity to provide the Mandate Holders with accurate information on the mentioned case received from several official governmental sources.

As a preliminary matter, Azerbaijan affirms its commitment to upholding its international obligations, including under international human rights law and categorically rejects all allegations mentioned in this Joint Communication without any reliable proof.

With respect to questions provided by the Mandate Holders seeking to clarify the abovementioned allegations we kindly ask you to refer to the official answers received from appropriate law enforcement agencies and the Human Rights Commissioner (Ombudsman) of Azerbaijan.

Azerbaijan trusts the information provided in this reply will assist the Mandate Holders to engage constructively with Azerbaijan and the answers will be reflected in any future communication to be presented to the Human Rights Council or other public reference on the mentioned case.

**1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**

Gubad Ibad oghlu Ibadoghlu was [REDACTED] he is married, has higher education, chairman of the "Azerbaijan Democracy and Welfare Party" (without state registration), has not been previously convicted, registered at the [REDACTED] resided in [REDACTED]

On 24.07.2023, he was accused under Article 204.3.1 of the Criminal Code of the Republic of Azerbaijan according to the criminal case initiated by the Ministry of Internal Affairs, he was also accused under Article 167-3.1 of the Criminal Code of the Republic of Azerbaijan on 25.08.2023 and was brought to criminal liability as an accused person.

A preventive measure in the form of arrest had been chosen against him for a period of 3 months and 27 days (until 20.11.2023) according to the decision of the Baku city Narimanov District Court from 24.07.2023. He was admitted to the Baku pre-trial detention facility on 24.07.2023. On 16.11.2023, the period of pretrial arrest of G. Ibadoghlu was extended by 3 months. Currently, the criminal case is being processed by the Investigation Department of the Main Organized Crime Department of the Ministry of Internal Affairs of the Republic of Azerbaijan.

Arrested persons enjoy the rights and freedoms and bear duties determined by the Constitution of the Republic of Azerbaijan, the Criminal Procedure Code of the Republic of Azerbaijan, the Law on Ensuring the Rights and Freedoms of Persons Detained in Prisons, and other laws.

When G. Ibadoghlu was admitted to the pre-trial detention facility he was placed in the primary detention cell (quarantine block) in accordance with the requirements of the legislation and had been provided with material and living conditions. The next day, he was transferred to a cell intended for 4 people with a total area of 20 m<sup>2</sup> of living space in accordance with the living space norms determined by the legislation. Currently, he is being held in that cell together with 3 other arrested persons. The cell also has a sanitary facility (with cold and hot water). This facility meets the requirements of sanitary and hygienic rules. There is also an outdoor walking area which is open every day according to the regime.

G. Ibadoghlu is provided with a hot meal three times a day. These meals are prepared in accordance with sanitary and hygienic requirements and meeting food standards. He has a regular access to safe drinking water along with other arrested persons.

Along with providing G. Ibadoghlu with free food, household and medical-sanitary services during the time he was kept in the place of detention, he sleeps for eight hours at night, goes for a daily walk for no less than two hours every day, does sports, wears his clothes and shoes, receives free psychological help, meets with his defender confidentially indefinitely, meets his close relatives or other persons whose contact is of legal interest to him, use telephone conversations and all other rights are protected by the Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan. His security was ensured and he has not been subjected to torture or inhuman or degrading treatment or punishment.

*G. Ibadoghlu's human and civil rights and freedoms established in the Constitution, the Convention on the Protection of Human Rights and Fundamental Freedoms, and other international human rights standards supported by the Republic of Azerbaijan are protected by law and cannot be restricted by anyone. Also, under no circumstances is anyone, including G. Ibadoghlu, forced to reveal his religion, conscience, thoughts, and convictions and is not blamed for them.*

*G. Ibadoghlu had not been subjected to pressure, torture, inhuman or degrading treatment during his detention in the detention facility, his rights had not been violated, also his personal safety is being ensured in accordance with the legislation. It should be also noted that disciplinary or incentive measures had not been applied.*

*G. Ibadoghlu had made phone calls to his close relatives twice a week for up to 15 minutes in accordance with the legislation, had received parcels (15 times), his family members and close relatives had visited him (13 times), also he had been received by the members of the National Preventive Group of the Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) several times.*

*The protection of his rights is being implemented by four lawyers acting individually. During this period he had been given the opportunity to meet with his lawyers (61 times) confidentially and without any restrictions.*

*According to the Constitutional Law on Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan the Ombudsman protects and promotes human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party.*

*The Ombudsman also implements the functions of national preventive mechanism stipulated by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. To prevent torture and other cruel, inhuman, or degrading treatment or punishment the Ombudsman on regular basis visits places that detainees cannot leave at their own will, or whenever she deems necessary.*

*The Ombudsman as well as her national preventive group have taken necessary steps to monitor G. Ibadoghlu's detention conditions and the treatment towards him.*

*Up to date, G. Ibadoghlu has been received by the National Preventive Group of the Ombudsman three times in the Baku Pre-trial Detention Facility, including in the cell, where he was detained, and confidentially.*

*Based on the appeals addressed to the Ombudsman by his lawyer, requests were sent to the Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan (August 21, 2023 and September 1, 2023), the Main Medical Department (August 21, 2023), and the Prosecutor General's Office of the Republic of Azerbaijan (August 21, 2023).*

*To provide assistance in respect of the issues raised by G. Ibadoghlu, his lawyer and his family members, the Ombudsman has appealed to the relevant state authorities. Also, the last appeal of his brother Galib Bayramov to the Ombudsman was submitted to the Prosecutor General's Office.*

The information in the mass media regarding G. Ibadoghlu's detention conditions, health condition, as well as the medical documents were also investigated by the Ombudsman in the framework of her mandate. The relevant medical documents were handed out to his lawyer, [REDACTED]

The Ombudsman of Azerbaijan stays focused on the protection of human rights of G. Ibadoghlu.

In addition, it should be noted that allegations on that [REDACTED] the wife of G. Ibadoghlu, was detained, arrested, and ill-treated while G. Ibadoghlu was detained are false and there were no cases of violation of her rights.

Currently, the investigation is ongoing, it will be ensured that the investigation will be conducted fully, objectively, and comprehensively and that a legal decision will be made in compliance with the requirements of national and international legislation.

As regard to allegations mentioned in the joint letter concerning NGOs activity during 2013-2014, it should be noted that, on April 22, 2014, based on the materials received from the Ministry of Justice of the Republic of Azerbaijan regarding the facts of law violations discovered in the activities of several non-governmental organizations of the Republic of Azerbaijan, branches and representative offices of foreign countries the criminal case was initiated in the Investigation Department of Prosecutor General's under Articles 308.1 and 313 of the Criminal Code of the Republic of Azerbaijan.

Due to the necessity of the case in the course of the investigation, according to the decisions of the Nasimi District Court dated 27.08.2014 and the Sabail District Court dated 28.08.2014, the "Economic Research Center" PU headed by Bayramov G. Ibadoghlu and his bank accounts were seized.

The restriction on G. Bayramov's border crossing was canceled, the arrest on his bank accounts was lifted on 30.03.2016, and the documents taken during the criminal prosecution were returned on 14.06.2016.

- 2. Please provide detailed information on the factual and legal bases for the detention of Dr. Ibadoghlu in July 2023, and explain how these actions comply with Azerbaijan's obligations under International Human Rights Law.**

During the investigation of criminal case No. 231900516 conducted by the Executive Department for Combating Organized Crime of the Ministry of Internal Affairs (MIA) of Azerbaijan on 20.07.2023, a member of the radical religious movement [REDACTED] was charged with the criminal responsibility related to the illegal acquisition and possession of firearms, combat ammunition, and counterfeit US dollars. During the interrogation, [REDACTED] indicated that the counterfeit money was provided to him by G. Ibadoghlu to be used for expenses in order to attract various people to the religious movement. Although during the interrogation in accordance with the criminal case opened on 20.07.2023 G. Ibadoghlu stated that he doesn't know [REDACTED] their close relationship was proven with the help of relevant video recordings and other proofs that was revealed through investigative measures and a search was conducted in his apartment located in the [REDACTED] with the participation of himself and his representative, lawyer [REDACTED] During

*the search, a large number of religious literature, documents and manuscripts promoting radical religious trends, 20,000 fake US dollars were found and taken from the residence. (The investigative action of the search and seizure was carried out using video recording, both investigative actions were considered legal by the court.)*

*According to the fact, G. Ibadoghlu was arrested as a suspect in the case on 24.07.2023, on the same day he was charged with Article 204.3.1 of the Criminal Code of the Republic of Azerbaijan (manufacturing or selling of counterfeit (fake) money or securities) and a preventive (restrictive detention) measure issued against him by the decision of the Narimanov District Court of Baku is selected. On 25.08.2023, a new charge was announced against him under Articles 167-3.1 (storage of religious extremist materials) and 204.3.1 (manufacturing or selling of counterfeit money or securities) of the mentioned Code. When G. Ibadoghlu was invited to the police agency, his wife [REDACTED] came with him at her own request, stating that she did not want to leave him alone. At this time, no physical, mental, influence or pressure was shown against them. The rights of G. Ibadoghlu have been protected by the lawyers he invited from the moment he was involved in the investigation, and four lawyers are currently carrying out this case.*

**3. Please explain why other alternative measures, such as house arrest, were not considered in case of Dr. Ibadoghlu, giving attention to his deteriorating health condition.**

*According to the criminal procedural legislation of the Republic of Azerbaijan, the replacement of the pretrial detention measure selected for the accused person with another alternative measure is carried out on the basis of a court decision without the intervention of the investigating body based on the petition of the defense side.*

*As during the investigation, the serious criminal act committed in an organized gang by G. Ibadoghlu caused public resonance and negative emotions in society, and continues to be dangerous for society (according to the precedents of the European Court of Human Rights, in such cases, as a rule, the interests of the society prevail over the individual's right to freedom), considering that it would hinder the normal progress of the preliminary investigation and would prevent bringing other members of the organized gang to criminal responsibility using his public influence and connections if he remains free, the court was applied for the selection of a pretrial detention measure, and in connection with the above, the selection of house arrest and other alternative pretrial measures was not considered appropriate.*

*G. Ibadoghlu underwent medical examinations in the pretrial detention center where he was regularly detained, and it was not determined that he was suffering from a serious illness, and the document confirming his serious illness was not submitted to the investigative body by himself and his defenders.*

*The provision of medical assistance to detained or arrested persons, as well as their placement in medical institutions, is being carried out in accordance with the Law of the Republic of Azerbaijan dated 2012 "On Ensuring the Rights and Freedoms of Persons Detained in Prisons" and "Rules on providing medical assistance to detained or arrested persons, as well as hospitalizing them in medical institutions" approved by the Resolution of the Cabinet of Ministers dated 2013. An arrested or detained person is medically*

*examined within 24 hours from the moment of arrest or detention, and a medical record is drawn up for each admitted person.*

*Regardless of the time of occurrence, the description of the physical injuries detected in the initial examination is recorded in the medical booklet. When physical injuries, which are believed to be caused by torture or inhuman or degrading treatment, are detected during the examination, and the date and time of the examination and the circumstances of the injury are recorded in the medical booklet. The booklet is signed by the doctor and the detained person.*

*If an arrested or detained person falls ill or suffers a physical injury during detention, a medical examination of the person is performed by a doctor and the results are recorded, the lawyer of that person is informed about this in writing. Complaints related to torture and inhuman or degrading treatments, as well as bodily injuries believed to have been caused by this type of treatment, are identified during the medical examination, and written information about it is immediately sent to the prosecutor who conducts the procedural management of the preliminary investigation in order to carry an appropriate investigation.*

*In addition, in October of the current year, a new norm was added to the "Rules of behavior of police officers with arrested or arrested persons" approved by the Decision No. Q20-001-21 of the Ministry of Internal Affairs dated December 9, 2021. Thus, in all cases where an arrested or detained person is brought to a place of temporary detention and is staged, becomes ill or suffers a physical injury, a medical examination by invited medical personnel is carried out, as well as a request for such an examination to be carried out by the specialists of the medical institutions of his choice has been implemented. In this regard, all temporary detention places under the Ministry of Internal Affairs are provided with all necessary medicines in accordance with the relevant standards, thorough cleaning and disinfection are carried out in the rooms at least once a month. These procedures defined by the relevant legislative acts and job instructions are fully followed and their implementation is monitored internally.*

*G. Ibadoghlu's health is constantly monitored in the detention center where he is being detained, and he is regularly examined by highly qualified doctors in a hospital equipped with modern medical equipment. It was explained to him that if he wants to, he can use the medicines given by his family members and undergo an examination in any private medical institution of the republic. The state of health of G. Ibadoghlu is normal; the information about the deterioration of his health is not true.*

**4. Please provide information about the current health condition of Dr. Ibadoghlu in pre-trial detention. Please also provide information about the measures taken to ensure his physical integrity and appropriate access to continuous health care.**

*G. Ibadoghlu was admitted to the pre-trial detention facility on 24.07.2023, and a preliminary medical examination was carried out within 24 hours. In the anamnesis G. Ibadoghlu stated that he had been suffering from [REDACTED] since 2012 and he regularly underwent medical examinations due to this disease, he also stated that he regulated [REDACTED].*

*Ibadoghlu additionally stated that he took [REDACTED] due to the [REDACTED].*

[REDACTED] and in 2016, he had a tympanoplasty surgery on his ear due to the right eardrum perforation.

G. Ibadoghlu had been provided with full medical assistance, and examined by endocrinologist, cardiologist, ophthalmologist, neuropathologist due to the diseases indicated in his anamnesis. It should be also noted that the Electrocardiogram test (ECG) was carried out several times in order to check his heart's activity and rhythm, he had blood tests and indicators of glucose and blood pressure had been regulated. During the medical examinations they did not see any significant changes in his health condition. They diagnosed him with [REDACTED]. The treatment with appropriate medications had been prescribed. However, he stated in written form that he would continue to take medications that he had taken before being arrested. He had been promptly provided with medications brought by his family members.

It should be noted that biochemical and other blood tests recommended to G. Ibadoghlu by medical specialists are being examined in the laboratory of the medical and sanitary unit of the detention facility as well as in the "Reference Group" private laboratory center, and in the laboratory of the Medical Department General. Additionally he had blood tests measuring [REDACTED]

[REDACTED] According to the results of these tests, no alarming situation had been observed.

G. Ibadoghlu stated that he had an [REDACTED] but this pathology had not been detected during the ECG test. Thoracic and coronary computed tomography (CT) had been performed on 13.10.2023 at "Central Clinic", the leading medical institution of the republic, as well as all sections of the aorta and coronary arteries of the heart had been examined in order to carry out advanced medical examinations. The results of these examinations had been presented to the leading cardiologist of the "Central Clinic" and he had given a final opinion. As a result of these examinations he had not been diagnosed with [REDACTED]

Coronary arteries had been also examined at the "Central Clinic" and according to the results of coronary computed tomography, the state of the coronary arteries had been assessed as normal. It was noted that the arrested person did not need any surgery or any other invasive procedure, medical supervision was sufficient and during the supervision period, it was recommended to keep blood pressure, pulse and cholesterol level under control.

It should be also noted that Hip magnetic resonance imaging (MRI) had been performed at the "Central Clinic". He had been diagnosed with [REDACTED]

[REDACTED] The neurologist stated that there was no need for any surgery, prescribed conservative treatment and he had been provided with medications. Over the past period, G. Ibadoghlu did not experience acute back pain, limitation of movement or any severe discomfort.

G. Ibadoghlu had been also examined by an ophthalmologist, fundus pathology had not been detected, and optical glasses with new dimensions have been prescribed in order to correct his vision.

During the past period of detention in the detention facility he had had a stable health, in most cases his [REDACTED] are regular by taking [REDACTED] medication and by watching his diet. As a person suffering from [REDACTED] the medical supervision is carried out as required. He periodically consults with an [REDACTED] and he had been also informed about [REDACTED] G. Ibadoghlu had been provided with [REDACTED] He can measure his [REDACTED] at any time. It is also possible to have blood tests and urinalysis anytime of the day in the laboratory of the medical and sanitary unit of the detention facility. He has been taking medications related to [REDACTED] for a long time, and those medications are being brought by his family members since the day he admitted to the detention facility and he regularly takes these medications.

Currently his health condition (state of health) is generally good, medical care is available 24 hours a day. He does not complain about his health in his daily activities, he is active, he easily goes to the meetings with his lawyer and makes telephone calls. He does not need help of any person during movement, his coordination is also normal, there are no cases requiring emergency medical assistance. His neuropsychological state is in a stable condition. The cases requiring serious intervention in the heart-blood circulation are not observed.

The results of medical examinations, blood tests and instrumental examinations of G. Ibadoghlu are regularly submitted to his lawyer by letter.

- 5. Please indicate what measures have been taken to ensure individuals, including civil society leaders and human rights defenders, can exercise their right to freedom of association and freedom of expression, free from intimidation or persecution, and in line with international human rights standards.**

According to Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, everyone has the right to freedom of peaceful assembly and freedom of association with others, including the right to form and join trade unions to defend their interests.

No restrictions may be placed on the exercise of this right except those prescribed by law and necessary in a democratic society in the interests of national security and public order, to prevent disorder and crime, to protect health and morals, or to protect the rights and freedoms of others.

Guided by those norms implemented in the Constitution of the Republic of Azerbaijan and the Law on Freedom of Assembly dated November 13, 1998, the state guarantees the exercise of freedom of assembly and takes all necessary security measures to maintain order in legally organized assemblies.