



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

**GENEVA**

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and in response to the Joint Communication Ref.: AL AZE 1/2024 of 16 May 2024 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, has the honor to transmit herewith the information prepared by respective agencies and institutions of Azerbaijan.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in 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: 7 pages



Geneva, 15 July 2024

**Office of the United Nations  
High Commissioner for Human Rights  
GENEVA**

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

Ms Ganna Yudkivska  
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

The authorities of the Republic of Azerbaijan acknowledge receipt of your joint communication dated 16 May 2024 (*ref.: AL AZE 1/2024*) with regard to alleged arbitrary detention of Mr. Ulvi Hasanli, Ms. Sevinj Hajiyeva, Ms. Nargiz Absalamova, Mr. Hafiz Babali, and Ms. Elnara Gasimova.

At the outset, we would like to express our concern regarding the content of the Joint Communication, which appears to be based on inaccurate information from unidentified sources. While rejecting the allegations mentioned in this Joint Communication, we believe that this false information is creating a distorted representation of the ongoing criminal case investigations and casting doubt on the independence and fairness of Azerbaijan's judiciary system.

In reference to the current legal proceedings involving individuals mentioned in the Joint Communication, we wish to emphasize that no journalist or media representative is being targeted for carrying out their professional work in Azerbaijan. The investigative authorities have undertaken these proceedings based on credible suspicions of violating certain provisions of the Criminal Code of the Republic of Azerbaijan. In this context, it goes without saying that every individual, irrespective of their standing, is equal before the law and is expected to adhere to the legislation in force, as this forms the foundation of the rule of law principle. Therefore, it is of utmost importance to exercise due diligence and refrain from any actions that may be construed as interfering with the judicial process.

Against this background, we acknowledge the opportunity to provide reliable information pertaining to the case of the individuals in question, which has been received from the relevant law enforcement agencies and the Ombudsman of Azerbaijan, in response to the Joint Communication. We trust that the provided observations will assist the Mandate Holders in their constructive engagement with Azerbaijan and they will be duly considered in any forthcoming communication to the Human Rights Council.

In conclusion, we reaffirm Azerbaijan's commitment to upholding its international obligations, particularly under international human rights law, and ensuring the safety and independence of journalists and media professionals in our diverse society.

- ***The factual and legal basis of the criminal case initiated against Mr. Ulvi Hasanli, Ms. Sevinj Abbasova, Ms. Nargiz Absalamova, Mr. Hafiz Babali, and Ms. Elnara Gasimova***

The basis for the initiation of a criminal case on November 20, 2023, in relation to the named persons in the Joint Communication was the material collected on the fact that a group of individuals regularly smuggled foreign currency funds into the country and conducted suspicious financial transactions using those funds.

During the preliminary investigation, it was established that Ulvi Hasanov, along with his acquaintances Sevinj Abbasova, [REDACTED] Nargiz Absalamova, Hafiz Babali, Elnara Gasimova and other individuals, formed a criminal group to obtain significant financial gain. Between 2022 and 2023, they travelled abroad under various pretexts and smuggled large amounts of foreign currency from undisclosed sources into the country, bypassing customs control, and hiding the funds. They subsequently shared the foreign currency among themselves and conducted various financial transactions, generating substantial income.

Following the information received regarding their illegal activities, in accordance with the decision of the Yasamal District Court of Baku City, dated November 20, 2023, an inspection by police was conducted at the office located at the address of Baku city, [REDACTED] where the members of the group operated. From there, cash in the amount of 40,000 euros (74,272 manats), 200 pieces of 200 euro banknotes, which were part of the foreign currency funds smuggled into the country by Ulvi Hasanov, Sevinj Abbasova, [REDACTED] and others, was found and taken.

In this context, according to the facts, a criminal case was initiated under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan (smuggling committed by a group of persons who colluded in advance), and the said persons were brought in as the accused, and a preventive measure of a pretrial detention was chosen against them by the court's decisions. The relevant actions and decisions were made regarding the persons mentioned as follows:

- *On November 20, 2023, Hasanov Ulvi Fakhreddin oglu was detained as a suspect in a criminal case, and on November 21, 2023, he was charged as an accused person under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan and on the same date, by the decision of the Khatai district court, a pretrial detention measure was chosen in relation to him;*
- *On November 21, 2023, [REDACTED] oglu was detained as a suspect in a criminal case, and on November 23, 2023, he was charged as an accused person under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan and on the same date, by the decision of the Khatai district court, a pretrial detention measure was chosen in relation to him;*

- *On November 21, 2023, Abbasova Sevinj Vagif gizi was detained as a suspect in a criminal case, and on November 22, 2023 she was charged as an accused person under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan and on the same date, by the decision of the Khatai district court, a pretrial detention measure was chosen in relation to her;*
- *On November 30, 2023, Absalamova Nargiz Fazail gizi was detained as a suspect in a criminal case, and on December 1, 2023, she was charged as an accused person under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan and on the same date, by the decision of the Khatai district court, a pretrial detention measure was chosen in relation to her;*
- *On December 13, 2023, Babali Hafiz Arkoyun oglu was detained as a suspect in a criminal case, and on December 14, 2023, he was charged as an accused person under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan and on the same date, by the decision of the Khatai district court, a pretrial detention measure was chosen in relation to him;*
- *On January 13, 2024, Gasimova Elnara Bahadar gizi was detained as a suspect in a criminal case, and on January 15, 2024, she was charged as an accused person under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan and on the same date, by the decision of the Khatai district court, a pretrial detention measure was chosen in relation to her;*

Also, in order to prevent the concealment and alienation of criminally obtained funds, it was considered necessary to freeze the bank accounts of the accused persons and some of their close relatives (except for pension and salary accounts) for the duration of the criminal prosecution.

According to Article 249 of the Criminal Procedural Code of the Republic of Azerbaijan, property can be seized only if there is sufficient evidence based on the materials collected in the criminal case. As a rule, arrest of property is imposed on the basis of a court decision. According to the requirements of the criminal procedural legislation, the investigator is tasked with taking necessary measures in order to compensate for the material damage caused as a result of the crime. The court issues a decision on seizure of property when the court receives a reasoned petition of the investigator and the relevant presentation of the prosecutor who performs the procedural management of the preliminary investigation.

Currently, the preliminary investigation of the criminal case is ongoing in the Division for the Investigation of Grave Crimes of the Department for the Investigation and Inquiry of Baku City General Police Department. After the conclusion of the ongoing investigation, the criminal case will be sent to the court, and a fair and objective decision will be made by fully ensuring the legal interests of those persons, including their rights of defence.

▪ ***Detention conditions of the mentioned persons and provision of their rights, including unrestricted and confidential communication with their lawyers***

None of these persons was subjected to physical or mental pressure, torture, inhuman or degrading treatment during the detention, as well as during the investigation process. From the moment of their arrest, they met with their defenders and legal representatives in private, maintained confidential communication with them. Their respective rights, which are not limited in number and duration, are guaranteed respectively.

According to Article 36.9 of the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Persons Detained in Prisons" employees of the penitentiary institution check the belongings and clothes of the arriving and departing persons, including lawyers, as well as incoming and outgoing vehicles at the time of entering or exiting the pretrial detention facility. During this check, lawyers' correspondence with the individuals they were defending has not been censored.

More specific information regarding the conditions of detention of the mentioned persons is as follows:

**Ulvi Hasanov** was admitted to Baku pre-trial detention facility on November 22, 2023. When U.Hasanov was admitted to the pre-trial detention facility he has been informed of his rights and duties, he has been provided with material and living conditions, has been undergone medical examination and transferred to the cell intended for 6 people with a total area of 24 m<sup>2</sup> of living space in accordance with the living space norms determined by the legislation. The cell also has a sanitary facility (with cold and hot water). This facility meets the requirements of sanitary and hygienic rules. The cell also has an outdoor walking area.

U.Hasanov has not been subjected to pressure, torture, inhuman or degrading treatment, his rights have not been violated, and his personal safety is being ensured in accordance with the legislation.

According to the decision (from 23.11.2023) of the chief investigator on particularly important cases of the Division for the Investigation of Grave Crimes of the Department for Investigation and Inquiry of Baku City General Police Department, the right of U.Hasanov to have visits with other persons and use telephone conversations (except for his lawyer) has been restricted for a period of 3 months and this restriction was removed by the decision from 17.02.2024. U.Hasanov's lawyers visited him (49 times), he received products from his close relatives (28 times), and had telephone conversation with his relatives in accordance with the law.

Representatives of the Ombudsman Office visited the cell where U.Hasanov has been detained and got acquainted with the detention conditions on December 7 and 13, 2023.

The investigation was conducted based on the application addressed to the Penitentiary Service by [REDACTED] (his lawyer), alleging that U.Hasanov was being subjected to unlawful actions. Although [REDACTED] was contacted regarding this application, she

did not answer the phone calls. During the investigation, U.Hasanov was asked to provide clarification on information stated in the application, but he refused. During the investigation, information mentioned in this application has not been verified.

**Sevinj Abbasova** was admitted to Baku pre-trial detention facility on November 22, 2023. When S.Abbasova was admitted to the pre-trial detention facility she has been informed of her rights and duties, has been provided with material and living conditions, has been undergone medical examination and transferred to the cell intended for 6 people with a total area of 24 m<sup>2</sup> of living space in accordance with the living space norms determined by the legislation. The cell also has a sanitary facility (with cold and hot water). This facility meets the requirements of sanitary and hygienic rules. The cell also has an outdoor walking area.

S.Abbasova has not been subjected to pressure, torture, inhuman or degrading treatment, her rights has not been violated, and her personal safety is being ensured in accordance with the legislation.

According to the decision (from 23.11.2023) of the chief investigator on particularly important cases of the Division for the Investigation of Grave Crimes of the Department for Investigation and Inquiry of Baku City General Police Department, her right to have visits with other persons and use telephone conversations (except for her lawyer) has been restricted for a period of 3 months and this restriction was removed by the decision from 17.02.2024. S.Abbasova's lawyers visited her (37 times), she received products brought by her close relatives (32 times), her close relatives visited her (19 times) and she had telephone conversation with her relatives (38 times). Representatives of the Ombudsman Office visited the cell where she has been detained and got acquainted with the detention conditions on December 7, 2023.

**Nargiz Absalamova** was admitted to Baku pre-trial detention facility on December 1, 2023. When she was admitted to the pre-trial detention facility she has been informed of her rights and duties, she has been provided with material and living conditions, she has been undergone medical examination and transferred to the cell intended for 2 people with a total area of 8 m<sup>2</sup> of living space in accordance with the living space norms determined by the legislation. The cell also has a sanitary facility (with cold and hot water). This facility meets the requirements of sanitary and hygienic rules. The cell also has an outdoor walking area.

N.Absalamova has not been subjected to pressure, torture, inhuman or degrading treatment, her rights has not been violated, and her personal safety is being ensured in accordance with the legislation.

According to the decision (from 09.12.2023) of the chief investigator on particularly important cases of the Division for the Investigation of Grave Crimes of the Department for Investigation and Inquiry of Baku City General Police Department, her right to have visits with other persons and use telephone conversations (except for her lawyer) has been restricted for a period of 3 months and this restriction was removed by the decision from 17.02.2024. N.Abbasova's lawyers visited her (30 times), she received products from her close relatives (28 times), had telephone conversation with her relatives (40 times) and her

relatives visited her (19 times). Representatives of the Ombudsman Office visited the cell where she has been detained and got acquainted with the detention conditions on December 7, 2023.

On March 1, 2024, N. Absalamova's lawyer demanded to release her from the protected area (secure section) in the court room of the Court of Appeal in order to talk with her and the staff of the guard service gave an appropriate explanation about the impossibility of this.

**Hafiz Babali** was admitted to Baku pre-trial detention facility on December 14, 2023. When he was admitted to the pre-trial detention facility he has been informed of his rights and duties, he has been provided with material and living conditions, has been undergone medical examination and transferred to the cell intended for 6 people with a total area of 24 m<sup>2</sup> of living space in accordance with the living space norms determined by the legislation. The cell also has a sanitary facility (with cold and hot water). This facility meets the requirements of sanitary and hygienic rules. The cell also has an outdoor walking area.

H.Babali has not been subjected to pressure, torture, inhuman or degrading treatment, his rights has not been violated, and his personal safety is being ensured in accordance with the legislation. His lawyers visited him (15 times), he received products (27 times), and had telephone conversation with his relatives (51 times), and his relatives visited him (26 times).

**Elnara Gasimova** was admitted to Baku pre-trial detention facility on January 15, 2024. When she was admitted to the pre-trial detention facility she has been informed of her rights and duties, she has been provided with material and living conditions, undergone medical examination and transferred to a cell intended for 2 people with a total area of 8 m<sup>2</sup> of living space in accordance with the living space norms determined by the legislation. The cell also has a sanitary facility (with cold and hot water). This facility meets the requirements of sanitary and hygienic rules. The cell also has an outdoor walking area.

E.Gasimova has not been subjected to pressure, torture, inhuman or degrading treatment, her rights has not been violated, and her personal safety is being ensured in accordance with the legislation.

According to the decision (from 24.01.2024) of the chief investigator on particularly important cases of the Division for the Investigation of Grave Crimes of the Department for Investigation and Inquiry of Baku City General Police Department, her right to have visits with other persons and use telephone conversations (except for her lawyer) has been restricted for a period of 3 months and this restriction was removed by the decision from 17.02.2024.

The application of E.Gasimova's lawyer [REDACTED] submitted in order to visit her has not been granted according to Article 92.7 of the Code of Criminal Procedure of the Republic of Azerbaijan due to failure to submit the permission letter of the relevant investigative body on 24.01.2024. [REDACTED] submitted the permission letter of the investigative body, and on 01.02.2024, 05.02.2024 and 16.02.2024 visited E.Gasimova, also no illegal actions have been taken against her by the employees of the

detention facility and appropriate conditions have been created for [REDACTED] in order to visit the arrested person. It should be also noted that E.Gasimova's lawyers visited her (32 times), she received products (23 times), and had telephone conversation (41 times).

▪ ***Independent supervision of the cases by the Commissioner for Human Rights (Ombudsman)***<sup>1</sup>

The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan conducts unannounced visits to places where persons cannot leave at their own will, as well as conducts monitoring within her national preventive mechanism mandate.

During these visits, along with monitoring of conditions of detention, the treatment of detainees held in these institutions, and the situation regarding the protection of their rights, some individuals are interviewed in private based on their requests or random selection.

The cases of detainees Ulvi Hasanli, Sevinj Abbasova, Nargiz Absalamova, Hafiz Babali, and Elnara Gasimova have also been under the Ombudsman's supervision since the first days of their detention. Within the framework of the Ombudsman's activities, appeals, and the incoming calls to the Ombudsman's Call Center by the persons in question, their family members and lawyers have been immediately investigated.

In response to the appeals regarding arrest, investigation, healthcare services, visitation, and the detention conditions, the Ombudsman sent relevant inquiries to the Office of the Prosecutor-General, the Main Treatment Institution, and the Penitentiary Service of the Ministry of Justice. Their family members, lawyers, and the individuals themselves were informed about the measures taken.

Under the jurisdiction of the Ombudsman's National Preventive Mechanism against torture (NPM) activities, each of these individuals has been regularly visited at the Baku Pre-Trial Detention Center of the Penitentiary Service. Their cells have been inspected, and issues related to their detention conditions, treatment, and access to healthcare services have been monitored.

Currently, the issues related to the cases of these persons remain under close supervision of Ombudsman.

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<sup>1</sup> Information received from the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan