



**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 2/2024 of 28 June 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, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the independence of judges and lawyers, 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.



Geneva, 14 August 2024

Enclosure: 5 pages

**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

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

Ms Margaret Satterthwaite  
Special Rapporteur on  
the independence of judges and lawyers

The Joint Communication dated 28 June 2024 (*ref.: AL AZE 2/2024*) concerning the alleged arbitrary detention of Mr Anar Mammadli has been received by the authorities of the Republic of Azerbaijan. The authorities reject the allegations contained in the Joint Communication and are willing to provide herewith comprehensive and accurate information, as well as their observations related to the case in question. Additionally, the information received from the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan has been included. Azerbaijan reiterates its commitment to upholding its international obligations and is open to maintaining constructive engagement with international human rights mechanisms, with the understanding that such mechanisms should not be subject to misapplication.

▪ ***The factual and legal basis of the criminal case initiated against Anar Asaf oglu Mammadli***

During the preliminary investigation, it was established that Anar Asaf oglu Mammadli, in collusion with his acquaintance [REDACTED] and other individuals, whose identity currently being investigated, engaged in criminal activities with the intent of obtaining significant financial gain. Operating under the unregistered media entity [REDACTED] they negotiated and obtained substantial funds from organizations like the "Prague Civil Society Centre" and others from 2021 to 2023. They used these funds for personal and group benefit, transferring a total of 44,932 euros and 34,564.02 US dollars (equivalent to 132,818 manat at the exchange rate of the period) to various bank accounts, including "TBC Bank" in Georgia and other bank accounts in foreign countries. The investigation revealed that these amounts were smuggled into Azerbaijan without customs declaration, violating customs regulations. They did this by concealing the money and not declaring it at the customs control while arriving at Heydar Aliyev International Airport on "Tbilisi-Baku" and other flights between 2021 and 2023.

Consequently, the criminal case has been initiated against Anar Mammadli 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). On April 30, 2024, the Khatai District Court of Baku ordered pre-trial detention for a period of 3 months and 28 days. A motion was filed by Anar Mammadli's defense attorneys to replace the pre-trial detention with house arrest or bail, the Khatai District Court of Baku rejected the motion in its decision dated May 8, 2024. An appeal was filed against this decision, and the Baku Court of Appeals upheld the decision on May 15, 2024.

The individual under investigation and numerous witnesses have been interrogated, search and seizure operations have been conducted, court decisions have been made regarding the collection of confidential commercial information, acquisition of information related to financial operations, bank account statuses, tax payments, and seizure of data from mobile phone conversations. Bank accounts belonging to individuals under criminal investigation have been frozen, queries have been submitted to relevant state authorities, and technical forensic examinations of seized devices have been ordered by court decision. The accused person and their defense attorneys have been informed of the appointment of experts for computer forensic examinations related to the case, and mutual legal assistance requests have been sent to the competent authorities of the Republic of Georgia regarding the provision of legal assistance in the criminal investigation.

During the course of the investigation, in addition to the crime of smuggling, the elements of the crime of legalization of a large amount of property obtained through crime by a group of persons who colluded beforehand were also determined in the actions of Anar Mammadli. Consequently, on 24.05.2024, his actions were evaluated in Articles 193-1.2.1 (by a group of people on preliminary arrangement) and 193-1.3.2 (in the large amount).

From the moment of his detention, Anar Mammadli's right to legal assistance has been ensured, with both state-appointed and personally hired lawyers present during all investigative actions. No violations of Anar Mammadli's rights occurred during the investigation, and all procedures adhered to legal requirements. There have been no

violations of the laws of the Republic of Azerbaijan or the international human rights obligations assumed by Azerbaijan in bringing Anar Mammadli to criminal responsibility, in choosing the pre-trial detention measure, or in conducting search and seizure operations in his vehicle and at his registered and residential addresses.

Against this background, Anar Mammadli's prosecution and his summons to criminal liability are solely related to the criminal actions with which he is accused, and have no connection to activities such as monitoring elections, exercising freedom of expression, engaging with the UN and its representatives, and human rights mechanisms. Any implication or insinuation of such a link is erroneous. No individual, regardless of their position, is above the law or exempt from responsibility. Anar Mammadli's human and citizen rights and freedoms, as enshrined in the Constitution of the Republic of Azerbaijan, the Convention on the Protection of Human Rights and Fundamental Freedoms, and other international human rights standards endorsed by Azerbaijan, are protected by law and cannot be restricted by anyone.

Currently, the preliminary investigation of the case is ongoing, safeguarding that the investigation is conducted fully, objectively, and impartially, in compliance with national and international legal requirements. After the conclusion of the 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 that person, including defence rights in the court hearing.

▪ ***Health condition of Anar Mammadli in detention and provision of his rights, including unrestricted and confidential communication with his lawyers***

On May 1, 2024, when Anar Mammadli was admitted to the Baku Investigative Isolation Ward, he underwent a medical examination conducted by the medical team of the isolation ward. This examination included X-rays, electrocardiograms, and other necessary tests, but no significant health issues were identified related to his condition. Also, during the initial examination conducted on May 1, 2024, no injuries or traces thereof were found on Anar Mammadli's body.

Furthermore, Anar Mammadli and his defence lawyers have not submitted a request to the authorities, regarding the worsening of his health condition or suffering from a serious illness. At present, A. Mammadli's condition is satisfactory, medical care is available to him.

During his detention, Anar Mammadli has been ensured with free meals, financial and household services, medical and sanitary services. He is provided with eight hours of sleep at night, daily outdoor exercise of not less than two hours, engagement in sports, use of his own clothing and footwear, access to free psychological assistance, meetings with close relatives and other legally significant persons, use of telephone communications. His personal safety is guaranteed, and he has not been subjected to pressure, torture, inhumane or degrading treatment, or punishment in the course of detention and investigation process. From the moment of his detention, he met with his defenders and legal representatives in private, kept confidential communication, and the relevant rights, which are not limited in number and duration, are guaranteed accordingly.

▪ **Execution of the judgements of the European Court of Human Rights**

It is critically important to note that the current criminal investigation involving Anar Mammadli is unrelated to the European Court of Human Rights' ruling in the *Mammadli v. Azerbaijan* case from 19 April 2018. Any other interpretation of the situation would be misguided.

When it comes to the execution of *the Mammadli group of cases against Azerbaijan*, in which the European Court of Human Rights found a violation of Article 18, taken in conjunction with Article 5 of the European Convention on Human Rights, it should be recalled that having regard to the Court's judgment of 29 May 2019 concerning the proceedings under Article 46 § 4 in the first case in this group (*Ilgar Mammadov v. Azerbaijan*) and the conclusions thereof, on 23 April 2020, the Plenum of the Supreme Court of the Republic of Azerbaijan decided to quash the conviction of Ilgar Mammadov. In its ensuing decisions adopted during 2020-2022 on other cases from this group, in particular, *Rasul Jafarov v Azerbaijan*, *Rashad Hasanov and others v Azerbaijan*, *Azizov and Novruzlu v Azerbaijan*, the Plenum has built upon its precedent-setting decision in the first case, hence establishing a solid and consistent judicial practice for Convention-compliant interpretation and application of national legislation. The Plenum presently scrutinizes the Court's judgments concerning the remaining applicants in this group, including Anar Mammadli's case.

In parallel to individual measures, the Government of Azerbaijan has taken comprehensive general measures to avoid the repetition of similar violations in future. Fundamental justice reforms have been carried out in the country to strengthen the independence of judiciary, to increase efficiency and quality of judicial system and to improve the enforcement of court decisions. A significant milestone has been achieved last year in relation to the implementation of the outstanding recommendations of the Group of States against Corruption (GRECO) regarding the composition of the Judicial Legal Council. The current composition of the Judicial Legal Council fully complies with the recommendation, provided that the number of non-judge members of the Judicial-Legal Council have been reduced, it does not include a representative appointed by the President, and the Minister of Justice is no longer ex-officio member of the Council. The government remains committed to preserving the independence of the judiciary.

Moreover, the Azerbaijani authorities have been actively engaging in high-level dialogue and maintaining constructive cooperation with the Secretariat of the Council of Europe. Azerbaijan remains committed to the Convention system, including the execution of the judgments of the European Court of Human Rights. As of August 2024, there have been 493 decisions and judgments of the European Court of Human Rights transmitted to the Committee of Ministers for execution, with 175 cases (35.5%) having been fully executed. The number of executed cases has increased significantly over the past few years. In 2020, only 5 cases were executed. This number rose to 12 cases in 2021, 35 cases in 2022, 32 cases in 2023, and, as of August 2024, 53 cases have been executed. The Government of Azerbaijan regularly submits relevant action reports and plans on the

implementation of the European Court's decisions. Consequently, a further increase in the number of executed decisions is expected.

▪ ***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 holds regular unannounced visits to places where persons cannot leave at their own will.

During the visits under the National Preventive Mechanism (NPM) mandate, along with monitoring of conditions of detention, treatment of detainees held in these institutions, and the situation regarding the protection of their rights are monitored as well some individuals are interviewed in private based on their requests or random selection.

On May 2, 2024, a visit was made to the Baku Pre-Trial Detention Center of the Penitentiary Service, where Anar Mammadli is held. During the visit conducted by members of the National Preventive Group (NPG) of the Ombudsman, along with some other persons, A.Mammadli was received confidentially, issues of the status of ensuring his rights, conditions of detention and treatment were studied.

Anar Mammadli did not express any dissatisfaction with the treatment and conditions of detention, and asked to create conditions for frequent communication with family members. At the end of the visit, the NPG members, during a conversation with the head of the institution, made recommendations on the necessity of ensuring human rights provided by law.

On July 12, 2024, the information on Anar Mammadli's health condition was requested by Ombudsman Office. The chief physician of the Baku Pre-Trial Detention Center submitted the documents stating that Anar Mammadli had undergone the necessary medical examinations (ECG, ultrasound and blood test) since admission to the institution. A.Mammadli's health condition was assessed as adequate and he reportedly had no complaints.

During this period there have been no appeals to the Ombudsman from Anar Mammadli, his lawyers or members of his family.

The status of ensuring the rights of A.Mammadli is in the attention of the Ombudsman. During the next visit to the Baku Pre-Trial Detention Center, it is planned to receive him once again by the members of the NPG.

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