



**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 1/2025 of 27 February 2025 sent by the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 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, 24 April 2025



Enclosure: 8 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. Tlaleng Mofokeng  
Special Rapporteur on the right of everyone to the enjoyment of  
the highest attainable standard of physical and mental health

The Joint Communication dated 27 February 2025 (ref.: AL AZE 1/2025) concerning the "ongoing prosecution and detention of Mr. Anar Mammadli; the alleged deterioration of his health; the alleged lack of access to adequate healthcare, exercise, and nutrition; as well as the alleged lack of progress in providing a remedy and reparations for previous violations of his rights" has been received by the authorities of the Republic of Azerbaijan.

The authorities refer the esteemed mandate-holders to the replies of the Government of the Republic of Azerbaijan to the Joint Communication dated 28 June 2024 (ref.: AL AZE 2/2024) and the Communication by the Special Rapporteur on environment defenders under the Aarhus Convention dated 19 July 2024 (ref.: ACSR/C/2024/45 (Azerbaijan)). The reply dated 14 August 2024 provides detailed and verified information regarding the factual and legal basis of the criminal case initiated against Anar Mammadli, his health condition in detention and provision of his rights, including unrestricted and confidential communication with his lawyers, execution of the judgment of the European Court of Human Rights, as well as independent supervision of the case by the Commissioner for Human Rights (Ombudsperson).

The authorities express their rejection to the allegations contained in all three communications and provide herewith accurate information on the most recent developments regarding the issues raised in the latest Joint Communication in complement to the previous replies.

The Republic of Azerbaijan, as a party to major international human rights treaties, honors its international obligations and the investigation of the case in question is no exception. The investigation is conducted fully in line with the country's national legislation and the relevant treaties it is a party to.

Azerbaijan reiterates its commitment to upholding its international obligations and is open to maintaining constructive engagement with the international human rights mechanisms, on the understanding that such mechanisms should not be subjected to misapplication.

***Regarding the allegations raised in AL AZE 5/2013***

The criminal case concerning the prosecution of Anar Asaf Mammadli was initiated based on materials collected regarding his engagement in unlawful entrepreneurial activity by obtaining large-scale income and evading taxes through the abuse of official authority by responsible persons of the organizations [REDACTED] and the "Center for Election Monitoring and Democracy Studies," thereby causing significant damage to the state's legally protected interests. The investigation was launched on 29.10.2013 by the Investigation Department for Serious Crimes of the Prosecutor General's Office under Articles 192.2.2, 192.2.3, 213.2.1, 213.2.2, and 308.2 of the Criminal Code.

On 16 December 2013, Anar Asaf Mammadli was charged under Articles 192.2.2, 213.1, and 308.2 of the Criminal Code and was subjected to a pre-trial detention measure by the decision of the Nasimi District Court of Baku city on the same date. On 19 March 2014, new charges were brought against him under Articles 179.3.2, 192.2.2, 213.1, 308.2, and 313 of the Criminal Code. Due to the complexity of the case, the Nasimi District Court of Baku city extended his detention until 16 June 2015 by a decision dated 6 March 2014.

On 16 December 2013, Bashir Suleyman Suleymanli was charged under Articles 192.2.2, 213.1, and 308.2 of the Criminal Code and was subjected to a preventive measure in the form of an obligation not to leave a specified place. On 19 March 2014, new charges were brought against him under Articles 179.3.2, 192.2.2, 213.1, 308.2, and 313 of the Criminal Code.

On 16 December 2013, Elnur Akif Mammadov was charged under Articles 192.2.2, 213.1, 308.2, and 313 of the Criminal Code and was subjected to a preventive measure in the form of an obligation not to leave a specified place. On 19 March 2014, new charges were brought against him under Articles 179.2.2, 179.2.3, 179.2.4, 179.3.2, 192.2.2, 213.1, 308.2, and 313 of the Criminal Code.

The investigation established that between 2008 and 2013, Anar Asaf Mammadli, as an individual engaged in entrepreneurial activity without establishing a legal entity and as a co-founder and chairman of the organization "Center for Election Monitoring and Democracy Studies," which was not legally registered, systematically embezzled grant funds received from donor organizations. These funds were misappropriated through various service contracts and agreements made with individual persons for the provision of services and the performance of tasks. The investigation further revealed that Mammadli was involved in illegal entrepreneurship, tax evasion, abuse of office for personal gain, and falsification of official documents for illicit enrichment. In close cooperation with Bashir Suleyman Suleymanli and Elnur Akif Mammadov, who served as the president of the [REDACTED] (a nongovernmental organization), Mammadli was involved in a criminal conspiracy. They pre-arranged and planned their criminal activities, dividing their roles in the commission of the crimes. They falsified the decisions of the general meeting of the founders in order to ensure the registration of the organization with the relevant executive authorities. Mammadli, Suleymanli, and Mammadov collaborated to execute the crimes, including fraudulent actions.

Thus, the members of that group, together with [REDACTED] and [REDACTED] despite the requirement stated in the third clause of Law No.716-IIQ "On Accounting" of the Republic of Azerbaijan dated 29 June 2004—that all accounting entities maintain their accounts in accordance with the relevant standards—deliberately misused their authorized powers for

personal gain. In clear contravention of the interests of the service and driven by greed, they implemented a premeditated plan, whereby they induced cooperation from individuals recorded in the tax registers. Without any written record and without justification, they demanded from these individuals their respective cash receipt orders and receipts, which they then retained for themselves, and they withdrew funds in cash from bank accounts without depositing them into the cash register. Furthermore, they knowingly introduced false information into the contents of those official cash receipt orders. In addition, by committing official forgery, they prepared and signed contracts and delivery-acceptance acts for the provision of various services, and by means of disbursement orders arranged for the formal execution of disbursements directly by themselves, [REDACTED] and [REDACTED]. In doing so, they inflicted significant harm that gravely affected the rights and interests related to ensuring the transparency and fairness of economic relations among individuals, legal entities, society, and the state, as well as compliance with national accounting standards. Under the pretext of equipment purchases, trainings, monitoring activities, organizing an advocacy campaign, mass printing, and providing for service fees and salary payments, they orchestrated a series of fraudulent transactions.

Furthermore, Anar Mammadli, who is registered for tax purposes as an individual engaged in entrepreneurial activity without having established a legal entity, from May 2013 in Baku, colluded in advance with [REDACTED]—the [REDACTED] of the unregistered institution “Center for Election Monitoring and Democracy Studies,” of which he is a [REDACTED]—and with [REDACTED] whom he had previously known, by deliberately inserting false information into the legally valid official resolutions of the general assembly of founders, thereby ensuring its state registration by the competent executive authority into the [REDACTED] as a nongovernmental organization. By abusing the powers of that organization for the purpose of evading tax payments, he arranged for [REDACTED] to be appointed as [REDACTED]. Consequently, under the project of the “Center for Election Monitoring and Democracy Studies” allocated by the [REDACTED], a grant contract was executed in the amount of 215,287.8 manats, equal to 276,010 US dollars.

He further ensured that the grant be formalized in the name of the [REDACTED] and that an amount of 128,065 manats, equal to 163,250 US dollars, be transferred to a bank account and subsequently liquidated in cash. Although being aware that he does not have the status of a legal entity, he then announced vacancies for positions such as public relations manager, lawyer/expert, and other roles at the “Center for Election Monitoring and Democracy Studies,” arranging for the payment of salaries and office rental fees from those funds to himself, his employees, as well as other persons involved in the project under the guise of wages. By abusing his position under that grant contract, he obtained a substantial revenue amounting to 109,529.67 manats (one hundred and nine thousand five hundred twenty-nine manats and sixty-seven qapik) and, pursuant to Article 219.1 of the Tax Code of the Republic of Azerbaijan, evaded payment to the state budget of value-added tax amounting to 19,535.33 manats on the total proceeds from the works and services rendered and non-sales income. Moreover, in accordance with Articles 99, 150.1.7, and 124 of the same Code, he evaded taxes on rental fees amounting to 2,111.37 manats and on service fees amounting to 5,870.91 manats. In total, from 2008 to 2013, by evading payment of taxes amounting to 27,517.61 manats (twenty-seven thousand five hundred seventeen manats and sixty-one qapik) to the state budget, he carried out illegal entrepreneurial activities, thereby inflicting significant harm with serious consequences to the state’s legally protected interests.

The indictment was approved by the [REDACTED] on April 5, 2014, and the criminal case was sent to the [REDACTED] for review. By the judgment of the [REDACTED] dated May 26, 2014, A.A. Mammadli was found guilty under Articles 179.3.2, 192.2.2, 213.1, 308.2, and 313 of the Criminal Code (CC) and, based on Articles 62 and 66.3 of the CC, was definitively deprived of the right to hold leading and material responsibility positions in state and local self-government bodies for a period of 3 years and sentenced to 5 years and 6 months of imprisonment. [REDACTED] was found guilty under Articles 179.3.2, 192.2.2, 213.1, 308.2, and 313 of the CC and, based on Articles 62 and 66.3 of the CC, was definitively deprived of the right to hold leading and material responsibility positions in state and local self-government bodies for a period of 2 years and sentenced to 3 years and 6 months of imprisonment. [REDACTED] was found guilty under Articles 179.3.2, 192.2.2, 213.1, 308.2, and 313 of the CC and, based on Articles 62 and 66.3 of the CC, was definitively deprived of the right to hold leading and material responsibility positions in state and local self-government bodies for a period of 2 years and sentenced to 3 years and 6 months of imprisonment. The sentence of 3 years and 6 months of imprisonment assigned to [REDACTED] was conditionally applied under Article 70 of the CC with a probation period of 2 years.

The defendants' defenders filed appeals requesting the acquittal of the defendants. By the decision of the [REDACTED] dated December 10, 2014, the appeals were not granted, and the judgment of the [REDACTED] dated May 26, 2014, was upheld without change. Following that decision, the defendant's defense attorney filed a cassation appeal, requesting that the criminal case be terminated on acquittal grounds. By the decision of the [REDACTED] dated August 26, 2015, the cassation appeal was not granted, and the decision of the [REDACTED] dated December 10, 2014, was upheld without change.

By the Decree of the President of the Republic of Azerbaijan dated March 18, 2015, regarding the pardon of a number of persons convicted, [REDACTED] was released from the remaining part of his sentence, and by the Decree dated March 17, 2016, Anar Asaf Mammadli was released from the remaining part of his sentence. The criminal case against Anar Asaf Mammadli was not reviewed by the Plenary Session of the Supreme Court of the Republic of Azerbaijan.

### ***Charges and ongoing investigations***

As indicated in the reply dated 14 August 2024 to the Joint Communication dated 28 June 2024, Anar Asaf Mammadli was charged under Article 206.3.2 of the Criminal Code of the Republic of Azerbaijan in connection with criminal case No. 240200020 on 30 April 2024. By the decision of the [REDACTED] he was placed under pre-trial detention. The duration of his detention was extended for the last time by the decision of the [REDACTED] on 15 February 2025, until 26 May 2025. On 11 March 2025, the charges in the criminal case were reclassified from Articles 193-1.2.1, 193-1.3.2, and 206.3.2 of the Criminal Code to Articles 192.3.2, 193-1.3.1, 193-1.3.2, 206.4, 213.2.1, 320.1, and 320.2 of the same Code.

Anar Mammadli was admitted in the Baku Investigation Detention Facility of the Ministry of Justice Penitentiary Service on 30 April 2024. In accordance with the instructions, he underwent a medical examination in the medical-sanitary department of the detention facility, and a medical

record was opened in his name. During his stay in the detention facility he received appropriate medical consultations and examinations within the detention facility. He was informed of the results of his medical examinations.

Additionally, the investigation is ongoing for the criminal case No.250200004 related to Anar Asaf Mammadli. This case was separated for separate proceedings from the materials of criminal case number 240200020, which has been under preliminary investigation since February 18, 2025, in the Department for the Investigation of Serious Crimes of the Investigation and Inquiry Directorate of the Baku City Main Police Department. The investigation involves Anar Asaf Mammadli and others, and is being conducted under Articles 193-1.2.1, 193-1.3.2, and 206.3.2 of the Criminal Code of the Republic of Azerbaijan.

During the preliminary investigation, it was determined that Anar Asaf Mammadli, along with others, engaged in illegal entrepreneurial activities as part of an organized group without proper state registration in accordance with the legislation of the Republic of Azerbaijan. They earned substantial income through unlawful means and, knowing that the property was acquired through criminal activities, concealed the true source of the property in order to evade criminal responsibility. To achieve this, they engaged in the conversion and transfer of such property, and used the criminally obtained assets for financial transactions and other agreements, thus legalizing a large amount of property obtained through crime. They smuggled significant sums of money out of the country in violation of customs control and without declaring it at the customs border of the Republic of Azerbaijan. Additionally, they evaded a large amount of taxes, falsified official documents intended to grant and revoke authority, and knowingly used these forged documents in illegal activities.

#### ***Regarding the execution of the Mammadli v. Azerbaijan judgment***

As noted before, the current criminal investigation involving A.Mammadli is unrelated to the judgment of the European Court of Human Rights of 19 April 2018 in *Mammadli v. Azerbaijan* case. In this case the Court found a violation of Article 18 taken in conjunction with Article 5 of the European Convention on Human Rights. The case is reviewed under the enhanced supervision of the Council of Europe Committee of Ministers.

Following the ECHR judgment under Article 46 § 4 of 29 May 2019 in the first case of this group (*Ilgar Mammadov v Azerbaijan*) and drawing on its established practice and the Court's reasoning in this case, the Committee has underlined that the *restitutio in integrum* in each case of this group require the quashing of all applicant's convictions, erasure from their criminal records and the elimination of other consequences of criminal charges brought against them. Subsequently, the Plenum of the Supreme Court reopened five cases (*Ilgar Mammadov v Azerbaijan, Rasul Jafarov v Azerbaijan, Natig Jafarov v Azerbaijan, Rashad Hasanov and Others v Azerbaijan and Azizov and Novruzlu v Azerbaijan*) in this group and quashed the convictions of the applicants in these cases. The remaining cases (except the one, which is remitted to the appeal court), including *Mammadli v Azerbaijan* are under the review at the Supreme Court, and the Supreme Court is informed about the importance of the expedient consideration of these cases. All the payments of the just satisfaction, including accrued default interest due to be paid to all the applicants in this group of cases have been settled in full. On implementation of general measures in this group of cases, the Government refers the esteemed mandate holders to its previous submission (dated 14 August 2024).

As concerns the inquiry about the treatment of Mr.Mammadli's prior conviction as an aggravating factor, potentially leading to a harsher punishment in the ongoing criminal case, the Government informs that the conviction of A.Mammadli (and other applicants in the group) was expunged by the passage of time, thus no negative legal consequences remain in respect of the applicant. In compliance with Article 83 of the Criminal Code of the Republic of Azerbaijan, a person convicted of a crime shall be deemed convicted from the day of entry into force of the court verdict until the day the conviction is removed or expunged. As prescribed in this Article, removal or expungement of the conviction annuls all legal consequences related to the conviction.

The Constitutional Court adopted several decisions concerning the interpretation of Article 83 of the Criminal Code. In its first decision in May 2009, the Plenum of the Constitutional Court stated that "the existing legislation provide two procedures of termination of a previous conviction: expungement or removal of previous conviction. Expungement of previous conviction means the end of all legal consequences connected with the fact of punishment for a crime committed by a person in a result of the expiry of the term provided by the law. For recognizing a person as non-convicted no any other document confirming the present fact or a special judicial decision is required". In the second decision in September 2010 the Plenum of the Constitutional Court provides that while assessing the misconduct of a person from the criminal point of view, recidivism should be interpreted exclusively in the light of a notion of "convicted person" as described in Article 83. It states that any other approach could lead to the violation of the principle of presumption of innocence enshrined in Article 63 of the Constitution of the Republic of Azerbaijan, as well the unjustified assessment of the act of recidivism, imposition of a heavier sentence, worsening of a person's position without legal grounds.

The Criminal Code was amended accordingly in 2016, whereby new Article 18.4.3 added, which states that while determining recidivism, convictions that have been removed or expunged in accordance with the procedure provided for in Article 83, shall not be taken into account.

In the light of the above explanation, the previous conviction of Mr.Mammadli that expunged shall not be taken into account as an aggravating factor in his ongoing criminal case.

#### ***Health condition and access to adequate healthcare***

The health condition of A.Mammadli has been under the control of the medical staff since his admission to the Baku Pre-Detention Center on 30 April 2024, and he is provided with medical care whenever needed. During his detention in the detention facility, periodical medical examinations were conducted, including general and biochemical blood tests, an ECG on 10 July 2024, and an abdominal ultrasound on 12 July 2024, and a course of preventive treatment was prescribed. On 26 July 2024, a medical examination of A.Mammadli was conducted, and in order to assess the effectiveness of the treatment, follow-up general and biochemical blood tests were carried out. He stated that he had not taken the prescribed medicine, without justifying the reason.

On 17 October 2024, further medical examinations were carried out, blood sample was taken from A.Mammadli and analyzed, and ultrasound examination of his internal organs was performed on 18 October 2024 by the chief physician of the Medical and Sanitary Department of the Baku Pre-Detention Center. There have not been indicators of any pathology requiring inpatient treatment during his examination by the doctor of the Department and he was prescribed outpatient treatment due to chronic medical conditions. Later, A.Mammadli was invited to the

Department for consultations with neurologist on 15 January 2025 and consequently he was prescribed outpatient treatment based on "Vertigo" diagnose. During his re-examination on 14 February 2025 by the neurologist, there has not been observed any development regarding his condition and he was advised to continue the prescribed treatment. He refused to take the medications provided by the Medical-Sanitary Unit and instead used the ones brought by his relatives.

During a medical examination on 7 April 2025, he reported sufferings from [REDACTED] and [REDACTED] accordingly, on April 2025, Mr.Mammaddli was consulted by specialist doctors and no signs of [REDACTED] were detected. In a repeat radiological examination on 8 April 2025, no pathological changes were observed in the lungs.

A.Mammadli was acquainted with the results of his medical examinations accordingly. He and his representatives have unhindered access to all the medical files concerning his health and his treatment. Currently, his health condition is satisfactory and he has access to the adequate healthcare 24 hours a day. There are no health-related concerns observed in his daily life, he is active and freely attends meeting with his lawyer and makes phone calls. The current health condition of the detained person does not justify his transfer to a medical institution. The specialists who examined him do not consider such a transfer medically necessary.

#### ***Regarding the condition in the detention facility***

Anar Mammadli continues to be provided with free meals, 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.

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

The Commissioner for Human Rights (Ombudsperson) 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.

Since the last inquiry on the health condition of A.Mammadli by Ombudsperson Office on 12 July 2024, he was received confidentially during the visit conducted by members of the National Preventive Group (NPG) of the Ombudsperson on 11 October 2024. Issues of the status of

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

ensuring his rights, conditions of detention and treatment were studied, his appeals on the conditions of detention were addressed immediately.

The information spread in the media regarding his health condition were studied and he was received by the chief physician of the Medical and Sanitary Department of the Baku Pre-Detention Center on 17 October 2024. He was subjected to necessary medical examination and analyses. Based on the appeal of [REDACTED] legal representative of A.Mammadli, to the Ombudsperson, regarding the provision of medical examination of the detainee at a private medical facility of his own choice was conveyed to the Medical Department of the Ministry of Justice. According to the response of the Department, upon his admission to the Detention Center, A.Mammadli stated that he had previously had an operation of [REDACTED] suffered from [REDACTED] and used glasses for near-sightedness. There had not been observed any aggravation of his chronic medical conditions and his health condition was taken under control. Additionally, it was noted that A.Mammadli went to the Medical Sanitary Department due to complaints with his kidneys. The ultrasound examination revealed [REDACTED] in his kidneys and he was accordingly prescribed with relevant medications, which he refused. The examination, its results and the proceedings were documented. As a result of repeated instrumental and laboratory examination conducted on 17 October 2024 at the Department, there has not been observed any pathology in his health that requires inpatient examination or treatment, he was prescribed treatment for [REDACTED]. The response concludes that A.Mammadli's health condition is satisfactory, there is no life-threatening situation regarding his health and all the necessary measures are taken.