



**HUMAN RIGHTS HOUSE  
FOUNDATION**

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Oslo and Geneva, 12 May 2014

**Re: Case against Mr Anar Mammadli, Mr Bashir Suleymanli and Mr Elnur Mammadov**

Your Honour,  
Mr Prosecutor General,

Please find enclosed a joint statement released on 9 May 2014 by two independent experts of the United Nations, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders, on the case on which court hearings are currently going on, against Mr Anar Mammadli, Chairperson of the Election Monitoring and Democracy Study Centre (EMDS), along with EMDS's Executive Director Mr Bashir Suleymanli, and the President of the Volunteers of International Cooperation Public Union (VIC) Mr Elnur Mammadov.

In their joint statement the United Nations special rapporteurs call upon the authorities of the Republic of Azerbaijan to drop all charges against Mr Anar Mammadli, Mr Bashir Suleymanli and Mr Elnur Mammadov, and to immediately release Mr Anar Mammadli, who is held in pre trial detention since 16 December 2013.

The United Nations special rapporteurs are independent experts appointed by the United Nations Human Rights Council to hold inquiries into violations of international human rights law and to intervene on specific urgent situations. All people appointed by the Human Rights Council present an exceptional expertise on international law and have outstanding records. The two experts are specifically commenting on this case as it relates to the rights to freedom of association and the right to be a human rights defender.

The Republic of Azerbaijan has ratified the International Covenant on Civil and Political Rights of 16 December 1966, enriching the right to freedom of association and of which the right to be a human rights defender stems from. The United Nations Declaration on Human Rights Defenders<sup>1</sup> defines those principles.

As stressed by the United Nations Human Rights Council resolution 22/6 of 21 March 2013, measures should be in place, including within the judicial authorities, to prevent the use of unreliable evidence and unwarranted investigations, including in criminal cases against human rights defenders.

In their joint statement, the United Nations special rapporteurs affirm that Mr Anar Mammadli, Mr Bashir Suleymanli and Mr Elnur Mammadov "are being prosecuted in retaliation for their legitimate work in

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<sup>1</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the UN General Assembly in its resolution 53/144 of 9 December 1998.

documenting alleged widespread irregularities and human rights violations around the presidential elections of 9 October 2013.”<sup>2</sup>

The case brought against Mr Anar Mammadli, Mr Bashir Suleymanli and Mr Elnur Mammadov is a result of their professional work in the election observation. We indeed see the investigations against EMDS and VIC as related to the organisations’ activities and its conclusions in regard to the Presidential elections of 9 October 2013.

Your courtroom has been listening to witnesses in this case since 21 April 2014. As the Human Rights House Foundation’s representative could observe when present at the hearings of Monday 5 May and Tuesday 6 May 2014, those witnesses do not add any relevant information to the case, but your court is perusing its hearings giving the impression it already sees the accused as guilty based on unreliable evidence and unwarranted investigations, in violation of international human rights law and standards protecting human rights defenders from being targeted due to their work.

**We call upon the Office of the Prosecutor General to follow the analysis made by the United Nations independent experts and drop all charges against Mr Anar Mammadli, Mr Bashir Suleymanli and Mr Elnur Mammadov immediately.**

**We further call upon the Baku Court on Grave Crimes to immediately release Mr Anar Mammadli from his pre-trial detention.**

Yours sincerely,



Maria Dahle  
Executive Director

Human Rights House Foundation

**Attachment:** Copy of the statement issued by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders on 9 May 2014

***About the Human Rights House Network ([www.humanrightshouse.org](http://www.humanrightshouse.org))***

*The Human Rights House Network (HRHN) unites 90 human rights NGOs joining forces in 18 independent Human Rights Houses in 13 countries in Western Balkans, Eastern Europe and South Caucasus, East and Horn of Africa, and Western Europe. HRHN’s aim is to protect, empower and support human rights organisations locally and unite them in an international network of Human Rights Houses.*

*The Human Rights House Azerbaijan is one of the members of HRHN and serves as an independent meeting place, a resource centre, and a coordinator for human rights organisations in Azerbaijan. In 2010, 6’000 human rights defenders, including youth activists, independent journalists, and lawyers, used the facilities of the Human Rights House Azerbaijan, which has become a focal point for promotion and protection of human rights in Azerbaijan.*

*The Human Rights House Foundation (HRHF), based in Oslo (Norway) with an office in Geneva (Switzerland), is HRHN’s secretariat. HRHF is international partner of the South Caucasus Network of Human Rights Defenders and the emerging Balkan Network of Human Rights Defenders.*

*HRHF has consultative status with the United Nations and HRHN has participatory status with the Council of Europe.*

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<sup>2</sup> Available at <http://humanrightshouse.org/Articles/20148.html>.

## UN Experts urge Azerbaijan to drop charges against human rights defenders

GENEVA (9 May 2014) – Two United Nations independent experts on Friday expressed serious concern over the charges brought against three human rights defenders in the aftermath of the 2013 presidential elections in Azerbaijan.

Mr. Anar Mammadli and Mr. Bashir Suleymanli, respectively Chairman and Executive Director of the Azerbaijani Election Monitoring and Democracy Studies Centre (EMDSC), together with Mr. Elnur Mammadov, President of the Volunteers of International Cooperation Public Union (VIC), are being tried in Baku for conducting business activity by an organized group without registration and abusing official powers, among other charges. They face up to 12 years' imprisonment. Mr. Mammadli has been in pre-trial detention since 16 December 2013.

“We are seriously concerned that the three human rights defenders are being prosecuted in retaliation for their legitimate work in documenting alleged widespread irregularities and human rights violations around the presidential elections of 9 October 2013. All charges brought against them should be dropped and Mr. Mammadli should be released immediately,” urged the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai.

Mr. Mammadli was one of the participants in the consultation convened by Mr. Kiai in June 2013 in Geneva in preparation of his report on the exercise of the rights to freedom of peaceful assembly and freedom of association in the context of elections. EMDSC has faced many challenges in relation to its registration due to a law establishing excessively bureaucratic procedures.

“Civil society plays a key role in ensuring transparent and fair elections by monitoring the exercise of public freedoms in such critical times. Silencing these human rights defenders would not only have a devastating impact on the Azerbaijani civil society as a whole, it would also indelibly stain the 2013 presidential elections,” added the UN Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya.

The experts recalled their statement of 4 October 2013 in which they urged the Azerbaijani Government to recognize and enable the role of defenders and civil society organizations in the run up to the presidential elections.\*

“In times of elections, States should make greater efforts to facilitate and protect the exercise of the core right to freedom of association,” the experts reiterated. “This applies as well in post-election periods during which human rights defenders are similarly exposed to violations and abuses,” they added.

The prosecution of the three human rights defenders is all the more troubling as Azerbaijan was elected last month as a member of the United Nations Committee on Non-Governmental Organizations (NGO). This Committee considers applications for consultative status submitted by NGOs, to enable them to access various UN human rights mechanisms. “Should the three men be convicted, it would run contrary to the very spirit of Azerbaijan’s recent election within this UN Committee,” the experts concluded.

Azerbaijan has extended a standing invitation to the independent experts of the Human Rights Council, and Mr. Kiai hopes to be able to visit the country soon.

Statement available

at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13829&LangID=E>.