

Defense Statement of Anar Mammadli

Before the Baku Court on Grave Crimes

Case No. 250200004

22 September 2025

1. First of all, I begin by stating that I do not recognize this court, based on the present criminal case and indictment, as a legal process, and I consider it a political show staged by the repressive ruling regime in Azerbaijan.
2. Secondly, I wish to express my gratitude to all those who, throughout my unlawful imprisonment lasting more than a year, have not withheld their moral support from me and my family. Drawing on my experience in human rights defense, I must note that our country is currently enduring one of the most severe periods of political repression in its history. A clear example of this is the fact that more than 300 of our fellow citizens are presently behind prison walls as political prisoners. I extend my thanks to all local and international human rights defenders, lawyers, intellectuals, civil activists, journalists, political parties, and international organizations who are working for the release of all political prisoners.
3. I must recall that this is the second time in the past eleven years that I have been unlawfully brought before this court on a politically motivated criminal charge. The first ‘trial’ convened here was subsequently recognized by the European Court of Human Rights, in its 2018 judgment, as unjust and politically driven—its true purpose being to silence and punish me. In that decision, the Court explicitly refused to acknowledge the proceedings conducted within these very walls in 2014—which are identical in nature to the present trial—as constituting a lawful judicial process. The ECtHR held that Article 5 §4 of the Convention had been violated in the following respects:

Failure to ensure judicial review of detention:

4. The courts neglected their duty to examine the lawfulness of the detention—both in procedural terms and on the merits. Instead, the judges mechanically endorsed the prosecution’s submissions.

Absence of adversarial proceedings:

5. The hearings were conducted as a mere formality; the facts and arguments presented by the defense were disregarded.

Failure to review the justification for detention:

6. Instead of examining whether the suspicions relied upon were substantiated, the judges dismissed the defense's arguments with ready-made, formulaic, and vague statements.

Non-fulfilment of judicial functions:

7. Both lower and appellate courts confined themselves to the automatic approval of prosecutorial motions. This was inconsistent both with Article 5 § 4 of the European Convention and with Azerbaijani law.
8. The fabricated prosecution before you today is nothing other than a continuation of that spurious case of 2013—a further episode in the same political narrative. The sole difference is that this time the scenario has been staged in an even more crude and unconvincing manner.

The Structure and Style of the Indictment

9. From the investigation materials and the indictment, it is evident that the investigative group of the Baku City Main Police Department acted as the executor of the political objectives and instructions of the Azerbaijani authorities, seeking to portray my lawful activities since 2020 as criminal in nature. However, the case file shows that in carrying out this political order, the investigators distorted the provisions of the Azerbaijani Criminal Code at will and in open contradiction to the fundamental principles of law, executing it with bias and gross defects. As the clearest example of this flawed conduct, I feel compelled to share my observations regarding the content, structure, and style of the indictment, which remain opaque and incomprehensible to me.
10. Thus, in the decision of 8 April 2025 issued by the investigator of the Baku City Main Police Department on the 're-indictment of the accused,' the charge against me was set out in three sentences: the first consisting of 224 words, the second stretching over more than a page with 554 words, and the third extending across 12 pages with approximately 6,370 words. Such a manner of setting out an indictment resembles less a legal document than a verbose chronicle in the style of a traditional annalist. I regard the drafting of the indictment

in this way as contrary not only to the rules of modern Azerbaijani language but also to universal principles of linguistics. Such a text demonstrates not merely disrespect for our native language, but also ignorance of the achievements that legal language worldwide has attained over the past two centuries. For instance, in modern languages—including our own—a sentence is understood to express a complete thought. Yet the sentences in this indictment contain no complete, clear, or coherent ideas. Likewise, in modern legal discourse, precision, clarity, and conciseness are indispensable; but here we find instead innuendo and conjecture, a tangled mass of words devoid of reasoning and incomprehensible in substance. The investigative group, in attempting to accuse me and Anar Abdullayev of serious crimes, has relied on fragmented, disorganized, and uncertain allegations and suppositions. I have no doubt that if this indictment were sent to the world's leading law schools, they would see in our criminal prosecution and investigative 'practice' a grotesque continuation of Soviet legal traditions inherited from the past. Indeed, although we gained independence 34 years ago, the substance of our law, its methods of interpretation, and its language remain captive to the reactionary ideological influence of Soviet Russia. In indictments such as this, one still sees the disfigured and impoverished legacy of the repressive political mentality of the NKVD of the 1930s and the KGB officers of the stagnation era.

11. It should also be noted that the practice of presenting the work of human rights defenders and civil society activists as criminal activity first emerged some 20 years ago in authoritarian post-Soviet states such as Russia and Belarus. In the past two decades, dozens of human rights defenders and civic activists have been imprisoned in those countries on the basis of fabricated, politically motivated prosecutions initiated by law enforcement bodies, becoming victims of political repression. Since 2013, the Azerbaijani authorities have likewise adopted this practice—criminalizing the work of civil society and human rights defenders in the same way as Russia and Belarus. But here lies a contradiction: today neither Russia nor Belarus is a member of the Council of Europe, while Azerbaijan, despite being a member, continues to replicate the Kremlin's repressive model for suffocating civil society. Indeed, over the last 15 years, every regressive amendment adopted by the Azerbaijani parliament concerning elections, political parties, the media, the legal profession, and the work of both local and international non-governmental organizations

has been grounded in the authoritarian precedents set by Russia. This longstanding trend makes it clear that for authoritarian regimes in the post-Soviet space, including Azerbaijan, the Kremlin serves as the political compass for suppressing freedoms and enforcing political repression.

12. Thus, the wording and style of these indictments show that our legal language must be freed from the Soviet way of thinking. I recall that in its judgment *Mammadli v. Azerbaijan* (2018), paragraph 56, the European Court of Human Rights, when examining the initial indictment brought against me in 2013—which was only one page long and written as a single sentence—expressed its astonishment and noted that such a description lacked the order and clarity required of a legal document. Now, however, it seems that the Azerbaijani law enforcement system has ‘developed’: while in the past it was satisfied with a one-page sentence, today it has acquired the ability to construct a twelve-page sentence. This shows not only that repressive practice continues, but also that the scale of the thought-constructions of those carrying it out has grown noticeably.

The Portrayal of Freedom of Association as a Criminal “Organized Group”

13. In three of the charges brought against me, and against Anar Abdullayev in the same case—Article 193-1 of the Criminal Code (laundering of criminally obtained property), Article 206.4 (smuggling), and Article 213.2.1 (tax and mandatory payment evasion)—the prosecution has applied the aggravating circumstance of ‘commission by an organized group.’
14. I must emphasize that none of these charges are supported by evidence, nor do they meet the requirements for application under the Criminal Code. My defense counsel will provide more detailed reasoning on this point in their formal submissions. Here, however, I wish briefly to note that the investigators have unlawfully and baselessly portrayed the legitimate activities of the Election Monitoring and Democracy Studies Center (EMDS) as a civic association - particularly its leading role in election observation in Azerbaijan, the preparation of reports on the state of human rights and freedoms, and the provision of legal assistance to citizens - as the ‘criminal activity of an organized group.’ Such a

characterization is in clear violation of criminal law, the Constitution of Azerbaijan, which guarantees freedom of association (Article 58), and the international conventions on human rights to which Azerbaijan is a party (Article 11 of the ECHR and Article 22 of the ICCPR).

15. According to Article 34.3 of the Criminal Code of Azerbaijan, the existence of an ‘organized group’ requires two essential conditions:

- a. a prior agreement to unite for the purpose of committing a crime;
- b. the specific distribution of criminal roles and duties among the members.

16. Judicial commentary on the application of the Criminal Code confirms that such a grouping arises solely with the intent to commit a crime and encompasses a concrete criminal design. Yet in none of the charges is there any evidence that we united with the aim of committing a crime. On the contrary, the case materials, together with the evidence submitted by the defense, clearly demonstrate that we came together not with criminal intent, but in pursuit of public and civil society interests, and to carry out activities in this field. The fully legitimate character of these activities is evident both from our repeated applications to the Ministry of Justice for registration, and from the judgment of the European Court of Human Rights which held that the refusal to register EMDS constituted a violation and imposed on the Azerbaijani state the obligation to implement that decision by registering the organization.

17. Thus, the tragicomic picture that emerges is this: if, as the investigators allege, we are an “organized group,” then it necessarily follows that the Azerbaijani state itself bears an obligation to register this very “organized group” with the Ministry of Justice, and moreover, even offers assurances to the Committee of Ministers of the Council of Europe regarding the registration of EMDS (see the Azerbaijani Government’s Activity Report No. 8/2-1599 of 29 June 2022 submitted to the Committee of Ministers). In this way, the investigators, through their accusations, stand in open contradiction not only with the explicit requirements of domestic legislation and international law, but also with the very obligations that the state itself has undertaken in its official reports before the Council of Europe. This means that by presenting as a “crime” the activities of an organization that the state itself has recognized and undertaken to register, the investigators are openly

violating both the practice of domestic law and the fundamental principles of international law.

17. This absurd picture directly recalls the Soviet period, when even the most ordinary communications and literary correspondence between writers and dissidents were subjected to repression as criminal acts. For example, just as Soviet investigators in 1974, during proceedings concerning Solzhenitsyn's *Gulag Archipelago*, presented his correspondence, collection of documents, and exchanges within literary circles as "coordinated anti-Soviet activity," so too the charges brought against us today are a continuation of the same logic. Activities such as establishing a civil society organization, working with volunteers, providing legal assistance to citizens, participating in international events, and seeking international financial resources, establishing relations with international organizations are now portrayed as the activities of an "organized group." In recent months, the Azerbaijani authorities have tried to create the appearance of an anti-Soviet mood in the country, but in reality they continue to judge us under the same concepts used by Soviet repressive courts: just as dissidents and writers of that time were persecuted under the label of "organized anti-Soviet activity" for exercising their fundamental rights, today we are persecuted under the label of "organized group" for carrying out lawful and legitimate civil society activities.
19. I recall that the use of the term "organized group" against human rights defenders and civil society activists was first applied in the post-Soviet space approximately 15 years ago by the law enforcement agencies of Belarus. As can be seen, Azerbaijani investigators are now applying against me and my colleagues the same repressive practice that their Belarusian counterparts once used against mine.
20. Thus, since the main target of the indictment is my activity as chair of EMDS, the implication is that my activities—and those of others within EMDS—in the fields of election monitoring, the defense of political freedoms, and the teaching of human rights and freedoms are of a criminal nature. This absurd approach could be considered one of the reactionary "innovations" in the entire legal system. In the opinion of the investigative group, our voluntary association did not serve the public interest through election monitoring, the promotion of human rights, and democratic values, but instead bore a criminal character. What is particularly striking is that the investigators struggled to

establish the second criterion required for labeling an association as an “organized group.” Despite their efforts, they have been unable to determine what alleged criminal duties or roles either I, or Anar Abdullayev, supposedly held within this so-called “organized group,” namely the voluntary public association known as EMDS. Thus, after more than a year of sifting through my archives, our webpages, correspondence, and presentations, the investigative group has either forgotten, or found it unnecessary, to examine and set out in the indictment the supposedly predetermined criminal intent of this “organized group” or the allocation of roles within it.

On the Incompatibility of the Indictment’s Reliance on the Non-Expungement of My Previous Conviction with the ECtHR Judgment in *Mammadli v. Azerbaijan*

21. The indictment’s characterization of me as a “previously convicted person whose conviction has neither been quashed nor expunged” is devoid of any legal basis and is instead politically motivated. This approach reflects either a fundamental political misapprehension on the part of state authorities or a deliberate misrepresentation and distortion of established legal facts. In fact, the criminal case fabricated against me in 2013 on false charges was already in 2018 recognized by the European Court of Human Rights as politically motivated persecution and an abuse of law. The Court found that my detention was carried out without reasonable suspicion (Article 5.1); that domestic courts failed to exercise effective review over my detention (Article 5.4); and most importantly, that the true purpose of my detention was to silence and punish me for my activities through the misuse of criminal law by the state (Article 18 in conjunction with Article 5). On the basis of that judgment, the Azerbaijani state acknowledged the violation in respect of me and paid monetary compensation. However, the essence of the judgment—namely, the annulment of the legal consequences of my unlawful conviction through my acquittal—has to this day not been implemented by the Supreme Court. In other words, already in 2018 the ECtHR confirmed that my prior imprisonment was aimed at silencing and punishing me for my critical opinions. Thus, I was unlawfully and politically convicted, and this legal fact has been recognized by the Azerbaijani government itself.

22. Nevertheless, for seven years the Azerbaijani government has continued to mislead the Committee of Ministers of the Council of Europe with promises that I will be acquitted. In the framework of the Committee's supervision of the execution of ECtHR judgments, between 2020 and September of this year more than 20 decisions and at least 3 interim resolutions have been adopted within the *Mammadli group of cases*, each of them calling on the Azerbaijani government to quash my previous conviction and to grant me an acquittal. Therefore, the references in the indictment to my unlawful conviction—which has already been confirmed by the ECtHR as requiring acquittal—expose not only the legal invalidity but also the unserious and unlawful conduct of the state in full. In fact, according to the ECtHR judgment, since the charges against me did not meet the standard of reasonable suspicion, under Article 39.2 of the Code of Criminal Procedure the criminal proceedings against me should have been terminated on exculpatory grounds.

On the Groundless and Politically Motivated Nature of the Charges

23. The investigative group has devised a primitive and disgraceful scheme of criminal investigation in order unlawfully to deprive me of liberty and to execute a political order. Four elements of this scheme stand out as unlawful in substance:

1. the operation of EMDS without state registration;
2. the Attempt to Criminalize My Legitimate Activities During 2020–2024
3. my trips to foreign countries;
4. my cooperation with international human rights organizations.

24. Thus, the investigative body has presented the above-mentioned circumstances as sufficient grounds to initiate criminal prosecution against me. What is even more troubling is that, relying on these baseless considerations, a criminal case was opened, an indictment was drawn up, and the matter was submitted to the court.

1) Activities of EMDS in the Absence of State Registration: The Evidently Unlawful and Politically Motivated Character of the Charges

25. In the present criminal case, the investigative group has based the entire prosecution on the fact that an unregistered public association—namely, the Election Monitoring and Democracy Studies Center (EMDS), of which I am the founder and chair—carried out its activities without state registration with the Ministry of Justice. Therefore, I consider it necessary to submit my legal observations on this matter to the court in greater detail.
26. Despite the guarantees of the right to freedom of association enshrined in the Constitution of Azerbaijan and in all international conventions to which Azerbaijan is a party, the government continues to impose severe restrictions on this right, both in legislation and in practice. I recall that as early as 2008, the authorities annulled the registration of the Election Monitoring Center, of which I was a co-founder, and in 2009 refused registration to the newly established Election Monitoring and Democracy Studies Center. The European Court of Human Rights, however, in its judgments in *Election Monitoring Center and Others v. Azerbaijan* (Application No. 64733/09, 2 December 2021) and *Election Monitoring and Democracy Studies Center v. Azerbaijan* (Application No. 70981/11, 12 January 2023), found both actions unlawful and held that the Republic of Azerbaijan is under a binding obligation to register both organizations of which I was a founder.
27. It should also be noted that in Azerbaijan registration of public associations is not mandatory and, unlike commercial entities, NGOs may operate without state registration. According to Article 12.1 of the Law on Non-Governmental Organizations (Public Associations and Foundations), an NGO may be established by virtue of its founding.
28. Moreover, it is deeply ironic that, instead of complying with its obligation under the European Court of Human Rights' judgment concerning the registration of EMDS, the Azerbaijani government formally declared before the Committee of Ministers of the Council of Europe in 2022 that the registration of NGOs is voluntary in nature and that there are also NGOs operating in the country without official registration.
29. The state's position openly supporting the legality of the unregistered operation of public associations can be seen in several examples. For instance, in paragraph 18 of its Action Report submitted to the Committee of Ministers in the *Ramazanov and Others v. Azerbaijan* group of cases, the Azerbaijani government stated that there are no obstacles to the formation of NGOs in Azerbaijan and that state bodies do not distinguish between unregistered public associations and registered non-commercial organizations. Although it

is lawful for public associations to operate without registration, EMDS and other independent NGOs have repeatedly applied to the government for the execution of ECtHR judgments, yet these applications have remained unanswered.

30. As is evident, EMDS has exhausted every available legal avenue to secure registration, prevailed in the legal dispute, yet the Azerbaijani state has deliberately failed to implement the European Court of Human Rights' judgment and refused to register the organization. Therefore, the nihilistic stance adopted by the investigative authorities—treating EMDS's continuation of its activities without registration as unlawful—targets not EMDS, but the Azerbaijani government itself. For it is not EMDS that bears responsibility for the lack of registration, but the authorities who created and perpetuate this situation, while the investigative bodies, instead of holding the state accountable, prosecute the victims of this legal vacuum. This position of the state is not only a legal absurdity but also an institutional manifestation of double standards: the government proclaims on international platforms that “NGO registration is voluntary,” while domestically it criminalizes unregistered activity. We may rightly regard this approach as a symptom of a broader legal crisis. For this reason, I respectfully request that the Court send inquiries regarding the implementation of the European Court's judgment on EMDS's registration to both Azerbaijan's Agent before the European Court of Human Rights and the Chair of the Supreme Court of Azerbaijan, who is tasked with coordinating the execution of such judgments. The present situation is not merely one of legal uncertainty; it is one of deliberate uncertainty. And had the fundamental principle of “legal certainty” been observed, there would be no room today for vague criminal cases to be deployed as instruments of political pressure.

31. My next legal comment concerns the unlawful attempt to criminalize the legitimate activities of a civic association. Both Azerbaijani law and the international treaties binding on Azerbaijan guarantee that associations may exercise their functions regardless of whether they are formally registered. In doing so, they are entitled to organize events, carry out activities, and, crucially, to seek, secure, and receive financial resources in support of their work. The European Court of Human Rights confirmed this principle in *Aliyev v. Azerbaijan*, expressly holding that the ability of non-profit associations to seek, solicit,

receive, and utilize financial resources for the pursuit of their aims forms an integral and inseparable component of the right to freedom of association (§ 212).

32. In numerous passages of the indictment, the very act of seeking financial resources on behalf of EMDS is portrayed as a criminal offense. When a civic association, exercising its right to freedom of association for public purposes, is targeted with criminal terminology merely for pursuing international cooperation and public initiatives, the matter no longer concerns law but political persecution and punishment. To brand the ordinary activities of associations as criminal—to depict any international or domestic partner as an “organized criminal group,” to classify an honorarium or service fee obtained through a grant project as “illegally acquired property,” or to stigmatize initiatives aimed at human rights, democracy, and community-building as “criminal intent”—is not the language of law. It is the vocabulary of Soviet totalitarian memory.
33. The public activities of EMDS and myself personally have included, in particular, election monitoring, the education of local community groups, the study of citizens’ complaints regarding violations of civil and political rights, the documentation of such violations, and the promotion of the use of domestic and international legal protection mechanisms. Information on these activities has been openly available in relevant public sources. Therefore, by explaining the activities of EMDS during the years 2020–2024, I can state with certainty that neither my work nor the activities of EMDS have contained any criminal elements.
34. In this regard, the censure of EMDS for carrying out its activities without registration—and the elevation of this fact into the central axis of a fabricated criminal indictment—inevitably evokes the Soviet-era prosecution of the poet and translator Joseph Brodsky, who was absurdly convicted of “parasitism.” The analogy is striking, for it underscores both the sheer irrationality of the present charge and the persistence of a repressive investigative mindset that is a direct echo of Soviet jurisprudential practices. In 1964, at the Dzerzhinsky District Court of Leningrad, the 24-year-old Brodsky was prosecuted on the following main charges: that, although he had only incomplete secondary education, how could he have learned foreign languages and worked as a translator?! The second charge against him was that, although he was not a member of any creative union, why did he present himself as a poet?! Finally, he was accused that, although none of his books had

been published by a publishing house and none of his writings printed in the press, how did he manage to live and support himself decently?! In fact, Brodsky had been expelled from official literary circles for his anti-Soviet views. He survived by publishing his translations and poems through samizdat presses, and in this way became popular. And now I too face an accusation of the same nature: since EMDS has not been granted registration, why do I present myself as its chair, as a representative of civil society, and as a human rights defender?!

2) The Attempt to Criminalize My Legitimate Activities During 2020–2024

35. Concerning my and EMDS's activities between 2020 and 2024, I should emphasize that during this period I participated in a number of international projects, both on behalf of the organization and in my personal capacity as an expert. When it comes to projects specifically related to Azerbaijan, the number was in fact very limited. Nevertheless, the investigative materials claim that EMDS implemented several projects in 2020–2021. This is demonstrably false, as all EMDS activities were suspended in 2020 with the onset of the coronavirus pandemic. Instead of clarifying these facts with me, the investigative team conducted a biased and incompetent review of my activities and, on the basis of correspondence that had been distorted in both form and substance, produced a fabricated list of projects allegedly carried out by EMDS.
36. In early 2020, I completed my studies in the United States and returned to the country. After my return, I devoted my time to reviewing, analyzing, and verifying the information and reports submitted by volunteer observers of the 2020 parliamentary elections to EMDS, and on that basis contributed to the preparation of EMDS's final report. In addition, during that year I made public statements on the government's quarantine measures, in particular the disproportionate application of administrative penalties, their impact on civil rights and freedoms, the scale of violations, and their comparative analysis.
37. I should also note that from 2020 until the day of my arrest, I regarded the continued closure of land borders under the pretext of the coronavirus pandemic as a gross violation of Azerbaijani citizens' right to freedom of movement. It is true that in recent years the authorities have sought to justify the closure not as a pandemic-related measure, but as an

issue of national security. Yet those who defend such an informal and arbitrary position ignore the fact that presenting the closure of land borders as a matter of national security places Azerbaijan in the same category as North Korea, Turkmenistan, and Belarus—countries living in isolation from the civilized world. It is therefore contradictory to promote Azerbaijan as a hub for regional transport corridors while at the same time keeping its land borders sealed. To claim that national security is safeguarded at the expense of restricting citizens' freedom of movement is equally unfounded. In military-security terms, the Republic of Azerbaijan is the most powerful state in the Caucasus. And yet, it is the only country in the region whose land borders remain closed.

38. During the Second Karabakh War, I remained in Baku and, throughout the conflict, gave statements to both domestic and international media regarding the Azerbaijani public's response to the war, the damage inflicted on citizens' lives by three decades of conflict, and the prospects for peacebuilding in the post-war period. I also appealed to international human rights organizations, urging them to investigate and assess reports of violations of international humanitarian law and to dispatch fact-finding missions to the country. In early 2021, I contributed to the preparation of a comprehensive report for international organizations concerning the rocket strikes on civilian targets in the districts of Ganja, Tartar, and Barda, as well as to applications submitted to the European Court of Human Rights on behalf of 13 families whose rights to property and health had been violated.
39. Finally, I can summarize my activities during 2020–2024 in three main directions:
 - Monitoring of elections in Azerbaijan and abroad;
 - Advisory support for the education of local community groups in Azerbaijan;
 - Defense of civil and political rights.
40. Under the first area of activity, my assessments and reports on the parliamentary elections of 21 February 2020 and the presidential elections of 7 February 2024 are publicly available from open sources. In addition, as an expert within international election networks such as the European Platform for Democratic Elections (EPDE), the European Network of Election Monitoring Organizations (ENEMO), and the Global Network of Domestic Election Monitors, I have participated in election observation missions in Turkey, Georgia, Ukraine, Sweden, and Germany, and undertaken related field visits to those countries.

41. As for my activities supporting local community groups, they were directed toward the efforts of local population groups in Baku and various regions—especially villages and settlements—seeking to improve minimum living needs and local socio-economic infrastructure. In this direction, I participated as an expert in trainings and public discussions. For example, shortly before my arrest I had finalized a handbook on the methodology of assessing local infrastructure, which I was preparing to disseminate. I had planned to present this handbook not only to NGOs and municipalities but also to universities teaching public administration. Unfortunately, my unlawful arrest interrupted this process.
42. My activities in the third direction included the verification, assessment, and analysis of citizens' complaints regarding violations of civil and political rights. Between 2020 and 2023, EMDS published more than five reports based on my research in this field. In addition, I used these reports in documents submitted to the Committee of Ministers of the Council of Europe on the execution of ECtHR judgments, to the UN Human Rights Council, and to UN Special Rapporteurs.

3) My trips to foreign countries

43. I would now like to draw the Court's attention to other aspects of the indictment which demonstrate the baseless and biased nature of the smuggling charges brought against me. For example, according to the investigation, the fact that I traveled abroad 19 times between 2019 and March 2024 is itself sufficient evidence of smuggling. Yet it is absurd to allege my involvement in smuggling when I have never once violated the Customs Code in my life. The most serious fact undermining this allegation is that, over the past ten years, I have consistently submitted customs declarations when entering and exiting the country. Unfortunately, despite my lawyers' efforts, the State Customs Committee has failed to provide this information to the investigation. On the day of my arrest, I informed the investigators that I had always traveled abroad under a travel ban and had been subjected to customs checks at the border crossing points on each occasion. Regrettably, this information was deemed irrelevant by the investigation. I therefore respectfully request the Court to obtain and include in these proceedings copies of the customs declarations I

submitted between 2019 and 2024 from the State Customs Committee. Furthermore, I ask the state prosecutor, who defends the charges against me, to show me any witness statement, piece of evidence, or information contained in the 380-page indictment that substantiates the allegation that I committed the crime of smuggling. I have read the indictment several times and have not found a single concrete fact supporting such an accusation. It is astonishing that one can be charged with smuggling without the indictment containing even a single line of factual substantiation.

4) My cooperation with international human rights organizations

44. I now wish to address the unlawful criminalization of my cooperation with international human rights organizations, as well as the fabricated and legally invalid evidence upon which the charges against me are based. It is well known that, since 2013, the activities of international human rights organizations, their branches and representations, as well as foreign donor institutions in Azerbaijan have been severely restricted. To make matters worse, domestic sources of funding for civil initiatives—particularly charitable and donor activities financed through national means—have been effectively dismantled as a result of both political and legal constraints. Supporting all forms of civic initiatives solely through the Azerbaijani state is impossible, as there exists neither the political will nor the necessary legal mechanisms. The State Council for Support of NGOs lacks the adequate governance, independent status, and sufficient financial resources to meet these needs. Moreover, the process by which public associations might raise donations from citizens has also been rendered defunct through restrictive legislation. Consequently, since 2013, the cooperation of civil society organizations and civic activists - including independent experts - with international and regional organizations has taken place under the constant political risks created by the Azerbaijani government's regressive and distorted legal environment, and by its entrenched practice of abusing the legal system over the past decade.
45. In this respect, I wish to draw the Court's attention to two points of similarity between my present and previous arrest.

46. First, just as in 2013, my arrest in 2024 occurred in the aftermath of my public criticism of the presidential election results. The point is that, although a decade separates the two events, both the 2013 and the 2024 presidential elections were conducted under conditions marked by the suppression of democratic freedoms, political repression, and gross interference in the processes of voting and vote counting. My conclusion rests on the reports of dozens of volunteer observers and on my own analyses of media monitoring. It should also be recalled that eleven years ago, at the time of my first arrest, my principal work was dedicated to the consistent and systematic defense of Azerbaijani citizens' political rights - freedom of expression, freedom of association and assembly, the right to a fair trial, electoral rights, and the right to participate in political life. In other words, the sole reason I became the target of political repression both ten years ago and again just one year ago is my persistent commitment to defending the political rights of the citizens of Azerbaijan.
47. The second similarity between my first and second arrests is that in both cases the charges brought against me were not based on facts or evidence but on a repressive political order. For example, in the present case the investigative group attempted to prove that I had forged documents by showing witnesses printed copies of electronic files that did not contain my signature. How could I possibly have forged a document that does not bear my signature?

On the Unlawful and Fabricated Evidence Collected to Substantiate the Charges

48. More broadly, the new wave of political repression launched against independent media and civil society organizations in the run-up to the 7 February 2024 presidential election, and persisting to this day, has also encompassed smear campaigns and criminal proceedings against SMDT. Within the climate of political intimidation created by this repression, the investigative group unlawfully summoned individuals who had previously worked with or volunteered for SMDT as witnesses in this politically motivated case. The very questions put to these individuals make clear that the investigators' aim was not to uncover truth but to recast their legitimate association with me as criminal activity, to taint

these relationships so as to intimidate the witnesses, and ultimately to fabricate support for the spurious charges brought against me.

49. With regard to the fabricated evidence included in the investigation materials and the indictment, I must note that, despite my repeated insistence at the time of my arrest, neither my computer nor my phones were subjected to inspection in my presence.
50. On 29 April 2024, while I was going to pick up my minor son from a preparatory course, I was suddenly detained by masked individuals and taken to my place of residence. When investigator Togrul Huseynov informed me that I had been detained as a suspect and that a search would also be conducted at my registered address, namely, my mother's home. I asked him, so as not to distress my elderly parents, to allow me to unlock my computer and phones and hand them over. I later learned that an operational group of 5–6 persons had brutally broken into my mother's home and caused severe distress to an elderly woman who had undergone heart surgery six months earlier. Unfortunately, at the time of my detention I was not allowed to contact either my family members or my lawyers. I regard this treatment as a manifestation of the Azerbaijani authorities' implacable attitude toward independent civil society activists and human rights defenders.
51. I must again emphasize that neither at the time of my arrest nor during the subsequent investigation was any examination of my computer, telephones, or e-mail accounts carried out in my presence or in that of my lawyers. My computer contained not only personal family photos and videos but also records of conferences I had attended over the past twenty years, documentation of my election observation activities in Azerbaijan and abroad, materials from academic and professional conferences, my articles and presentations, coursework, a library of scholarly literature collected over many years, as well as correspondence bearing my signature and service contracts. I clarified these matters in my initial statement. Yet, my explanations were either disregarded by the investigators or deemed insufficient for their aim of branding me a "criminal." Instead, they chose to reinterpret my correspondence in their own way, attempting to construct a fabricated criminal image. For instance, the indictment refers to several grant agreements purportedly concluded on behalf of EMDS.

52. I would also like to draw attention to two other issues concerning the materials presented by the investigation as “financial documents.”
53. First, my request — and that of my lawyers — that the materials be inspected in our presence and subjected to technical expert examination to verify their authenticity was refused. Second, given the nature of the financial allegations, and in particular any assertion by the investigation that financial transactions were carried out, a proper assessment would require an audit and a tax inspection. In modern, civil legal systems those functions fall within the exclusive competence of audit and tax authorities. Yet, in this criminal case the investigative team has, in an effort to portray me as a “criminal,” usurped both audit and tax competencies and purported to carry out those functions in its own ad hoc manner. Had I been given access to the “financial documents” relied upon by the investigation, I would have provided an adequate and precise explanation. Instead, the investigation concealed those documents from me, arbitrarily grouped and juxtaposed files, and thereby manufactured the appearance of confused and contradictory “financial operations.” In light of the foregoing, I submit that requiring me to respond to such fabricated and incoherent materials is legally unfounded. I therefore demand that these baseless and unreliable materials be struck from the criminal file.

On the legalization of property obtained through crime

54. With regard to the charge of legalization of property obtained by criminal means, I would like to note that over the past four years I have possessed only two types of property: a Ford automobile manufactured in 2015 and the funds held in my account at Bank Respublika. Regrettably, neither the bill of indictment nor the case file contains the financial statements reflecting the inflows and expenditures on my current account at Bank Respublika. In reality, the overwhelming majority of the funds in that account represent payments made to me by the State of Azerbaijan pursuant to judgments of the European Court of Human Rights. For some reason, the investigation team "overlooked" this fact.
55. As is well established, in order to accuse a person of the legalization of property obtained by criminal means, two elements must be present:
- 1) property obtained by criminal means; and

2) the act of legalizing such property.

56. I therefore pose the following questions: *What specific property is alleged to have been obtained through criminal means?* And if such property exists, by what process was it supposedly legalized? Regrettably, the investigative group has failed to provide any clarification on these questions in the bill of indictment, which instead stands as an example of legal nihilism.

57. Furthermore, the indictment fails to specify which particular crime allegedly generated the property said to have been laundered. At most, one can infer that the investigative authority assumes that funds derived from smuggling or unlawful entrepreneurial activity constitute “criminal proceeds.” Yet, by this reasoning, the investigative body concludes that I and the co-defendant somehow acquired assets through fabricated means and fictitious circumstances. In reality, however, the indictment itself seeks to prove precisely the opposite: it is built entirely on claims that certain funds—which should properly have been registered as grants—were not so registered. In other words, the prosecution has been unable to present a single fact or substantiated argument showing that we obtained any assets as the result of the commission of a criminal offence under the Criminal Code. This deficiency is further underscored by the fact that the charge does not even meet the definition of “criminally-obtained property” set out in Article 1.1.1 of the Law on Combating the Legalization of Criminally Obtained Property and the Financing of Terrorism. That provision defines such property as any funds, movable or immovable assets, tangible or intangible property, including virtual assets, or legal instruments and documents confirming property rights or interests, directly or indirectly obtained through the commission of an offence under the Criminal Code of the Republic of Azerbaijan.

Baseless and Fabricated Allegations Concerning Unregistered Grant Agreements

58. I must emphasize that the investigative group made no effort to verify either with me or with the representatives of the donor organizations named in the documents the origin or authenticity of the files it has presented as “grant agreements.” In this connection, I wish to highlight three points.

59. First, several of the grant agreements submitted by the investigation have neither factual nor legal validity. My involvement has been limited to participation in a number of regional and international projects and programs implemented by various international organizations. This cannot, however, be construed as direct financing of EMDS through any grant agreement.
60. Second, if, as the investigative group claims, they possess genuine information concerning grant agreements, why do they not send inquiries to those donor organizations to clarify this?
61. Thirdly, even assuming that such a grant agreement existed, the execution of a grant agreement signed by an individual without registration does not give rise to criminal liability under national law; rather, it entails only administrative liability (Administrative Offences Code, Article 432). Why, then, is the issue of an unregistered grant agreement being made the subject of criminal proceedings?
62. I would also draw attention to one further point. Over the past ten years, I have cooperated with the Swedish International Liberal Centre within the framework of various regional projects, working on a short-term basis as an expert in its different programs. At the beginning of 2024, I received another such proposal and, under our mutual agreement, was to prepare and submit a research paper. However, due to my arrest, neither the research paper was produced nor was the agreed honorarium paid. The investigation, however, now alleges that I received a fee of USD 12,000 from this Swedish organization. This is an outright falsehood and a falsification of my correspondence. In reality, my agreed payment for participation in that project was EUR 600. Yet the investigative authorities altered my correspondence to misrepresent this as the amount I had supposedly received.
63. As I have already noted, during the years 2020–2024 I have participated individually in certain projects implemented by regional and international organizations. For example, over the past four years I have worked as an expert in projects carried out by the Human Rights House Foundation (Norway), the EU Eastern Partnership Civil Society Forum, and the European Platform for Democratic Elections.
64. Another of the so-called “discoveries” of the investigative group consists of materials presented as financial documents, which in fact occupy more than half of the indictment. These include, in part, my utility bills, in part, travel expenses, and in part, training

materials. I believe it necessary to provide some clarification on this matter. From 2021 until March 2024, I rented an apartment on M. Mirəsədullayev Street in the Narimanov district, which I used both as a residence and as a workspace. I personally covered the utility and internet expenses for this apartment. My travel expenses, including airfare, were covered by the organizations that invited me. During certain international visits, I received honoraria for my services as a trainer, moderator, or expert in election observation missions. The so-called “financial documents” presented by the investigation, however, are nothing more than archival files from training materials used in projects implemented by SMDT between 2009 and 2015. These materials include financial reports of implemented projects, sample receipts, budgets, project applications, and training materials. I must emphasize that all of these documents date back to a period prior to 2016.

65. With respect to the 2024 presidential election observation, which the investigation has singled out as a primary target, I wish to clarify the following: I provided modest contributions of 50 manat each to a few underprivileged volunteer observers who participated in the process. In addition, I engaged certain professionals on an individual basis to assist in the preparation of research projects, making use of their consultancy services. Drawing on my twenty years of experience in domestic election observation in Azerbaijan, I can state unequivocally that independent, objective, and modern election observation cannot be effectively organized without the support of international financial donors. Regrettably, reliance on domestic sources of funding has never been sufficient to sustain such efforts. Throughout the past two decades, I have therefore contributed to election observation primarily with the support of international organizations. My goal has consistently been to ensure civic oversight of the electoral process in order to advance free and fair elections in the country. In doing so, I have sought to foster a climate in which Azerbaijani election commission members refrain from interfering in citizens’ right to vote and from falsifying the ballots cast. As for the so-called “financial” receipts presented by the investigation to certain witnesses, these were nothing more than template forms we used in our work prior to 2016, as I have already explained above. I have no knowledge of how or under what circumstances the specific files provided to witnesses were prepared, and, as confirmed by expert analysis, the signatures appearing on them are not mine.

66. With regard to the large number of identity cards belonging to other individuals that were included in the case materials, it must be noted that copies of identity cards and passports were submitted to us by certain persons who volunteered as observers through SMDT in elections held both domestically and abroad. These documents were provided solely for the purpose of accreditation before the election commissions. I do not now recall which individuals served as observers in which particular election. However, I clearly recall that those who wished to act as observers either personally submitted their identification documents to us or voluntarily sent them by email.
67. Unfortunately, the investigative group did not consider it necessary to speak with me or seek clarification on this matter. The fact is that, since 2006, we have conducted trainings for local Community Groups aimed at strengthening organizational skills, including the preparation of project proposals and applications, project budgets, and reporting. The investigative group, however, drew upon past SMDT projects and template documents, misrepresenting these materials as if they were actual project files, budgets, financial reports, and receipts, and then inserted them into the case materials accordingly. This raises an obvious question: if such financial documents truly exist, to which donor were they submitted? And if they were submitted, under which grant project, at what time, and within what implementation period?
68. It is evident that the investigative group, without conducting any clarification or proper inquiry, has merely carried out a political order by drafting an indictment falsely alleging that I managed more than 600,000 manats in funds, received grants from various sources, and brought them into the country—all without any factual or evidentiary basis. The most egregious aspect of this process is the conduct of a tax examination based on so-called “grant agreements” that have no legal foundation whatsoever. The tax inspectors involved issued opinions claiming that tax evasion had occurred without examining the authenticity of the materials provided to them or verifying whether they constituted valid legal instruments. Yet, if those documents were to be treated as genuine grant agreements, the Law “On Grants” clearly stipulates that grants are exempt from taxation.
69. Moreover, the investigative group has deliberately applied the Criminal Code in a distorted and unlawful manner—invoking provisions that should not have been applied at all—and, by doing so, has acted contrary to the very principles of criminal law. In effect, they have

sought to criminalize rights that are guaranteed by the Constitution and by international conventions to which Azerbaijan is a party.

70. Therefore, I request the Court to terminate this criminal case, which has been constructed on the basis of unfounded and fabricated accusations.

Signature:

Date: