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Political prisoners in Azerbaijan

Report
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Malcolm Bruce, United Kingdom, Liberal, Democratic and Reformers' Group

Summary

In its Resolution 1272 (2002), the Assembly urges the Azerbaijani authorities to resolve the problem of political prisoners, stressing that the existence of political prisoners is incompatible with Azerbaijan's membership of the Council of Europe.

The Rapporteur notes that despite the adoption of this resolution, there are still political prisoners being held in Azerbaijan and deplores the fact that the Azerbaijani authorities have not found a lasting solution to this problem.

The Rapporteur warns that if there is no solution to the problem of the political prisoners by the Assembly's autumn 2004 part-session, Azerbaijan's presence within the Council of Europe will have reached a critical stage.

I. Draft resolution

1. The Assembly recalls its Opinion No 222 (2000), especially paragraph 14.iv.b, in which it asked Azerbaijan to release or retry those prisoners who are considered as "political prisoners" by organisations working for human rights protection, particularly Mr Iskander Gamidov, Mr Alikram Gumbatov and Mr Raqim Gaziyeu.

2. In its Resolution 1272 (2002), the Assembly urges the Azerbaijani authorities to resolve the problem of political prisoners, on the grounds that the existence of political prisoners is incompatible with Azerbaijan's membership of the Council of Europe.

3. Those prisoners included on the lists supplied by NGOs who can reasonably be described as political prisoners fit into a number of categories. Specifically, they include people who were politically active before they were imprisoned and whose imprisonment is of political benefit to the government, people who had wittingly or unwittingly offended a senior member of the government, people imprisoned in spite of inadequate or disputed evidence and credible claims of false witness, and the friends and relations of such people whose only offence was to have been so.

4. Many of the political prisoners have been indicted under laws of treason or anti-state activity which are open to highly subjective interpretation. Others claim they have been convicted with lack of evidence even acknowledged by the presiding judge. This is sadly characteristic of the methods used by former communist regimes for removing dissidents, methods of which many current members of the Azerbaijani authorities have active first hand experience.

5. The Assembly supports the initiative by the Secretary General of the Council of Europe to extend, for a second term, the work of the experts responsible for identifying new cases of political prisoners, on the basis of the objective criteria. Among the 42 prisoners visited, 15 were released.

6. The Assembly takes note of the list of cases of presumed political prisoners (212 names) currently being examined by the experts and which was officially transmitted to it on 3 April 2003. Moreover, the Assembly deems that the experts could also consider the 88 cases which were unfortunately forgotten when the initial list of 716 presumed political prisoners was drawn up and the cases of new presumed political prisoners which came to light between 1 January 2001 and 15 April 2002, the date of the entry into force of the European Convention on Human Rights in Azerbaijan.

7. Those political prisoners whom the experts identify as such in the latter list must be treated like those previously recognised as such. Accordingly, the Assembly calls for the immediate release of those prisoners.

8. The Assembly welcomes the pardons granted by the President of the Republic since the last Resolution adopted in January 2002. Under these pardons, issued on 13 March 2002, 27 May 2002, 28 October 2002, 11 February 2003, 17 June 2003, 26 August 2003 and 29 December 2003, in all 284 prisoners classified as political prisoners by a number of non-governmental organisations were released. It also welcomes the fact that among those released in June and December 2003 are four of the ten people appearing on the list of "pilot cases", identified by the experts as political prisoners in October 2001, but who had nevertheless been kept in prison until their recent release, and especially I. Gamidov.

9. Since the adoption of Resolution 1272 (2002) in January 2002, five political prisoners, identified as such in the experts' report of 24 October 2001, have been released. Of the individuals on the list of political prisoners identified in his report, four are still in prison; in addition, a new trial has been arranged for two of the three "symbolic" prisoners.

10. The Assembly regrets the manner in which the new trials for MM. Gumbatov and Gaziyeu are being conducted, and does not believe that they comply with the Council of Europe's standards and principles. It is only in the case of R. Gaziyeu, convicted in absentia, that a new trial could really be justified. Since Mr Gumbatov had been identified as a political prisoner by the experts, he should be released without a fresh judgment. The Assembly deplores the new verdict handed down in early July against Mr Gumbatov, being once again given a life sentence. The Assembly reconfirms its confidence in the experts who, in their opinion of October 2001, considered these individuals to be political prisoners, and once again calls for the immediate release of Mr Gumbatov and Mr Gaziyeu, sentenced to 15 years' imprisonment in December 2003.

11. In particular, the Assembly deplores the fact that the Azerbaijan authorities have not found a lasting solution to this problem and continue to maintain that the problem raised is primarily a legal one and that, moreover, the majority of these prisoners are genuine criminals, and that it will take months, even years, to have all these prisoners released because of the alleged pressure of public opinion.

12. The Assembly considers that the problem of the existence of political prisoners cannot only be seen from a legal angle but that it constitutes a real political problem which should be treated as such. If political actors are unfairly held in prison or in exile and they are prevented from being candidates in elections, this endangers the fairness of elections.

13. Having been apprised that there are new prisoners, convicted since Azerbaijan's accession to the Council of Europe, who should, in the opinion of certain non-governmental organisations with which the Rapporteur and the Joint Working Party have fruitful contacts, also be considered as political prisoners, and that some persons detained since the post-election events of 15-16 October 2003 could also become future presumed political prisoners if they are not liberated, the Assembly voices its utmost concern at these events.

14. There are new cases of persons whose names are not included in the initial list of 716 presumed political prisoners as well as persons convicted after 1 January 2001 who should also be released immediately.

15. The Assembly encourages all presumed political prisoners convicted since Azerbaijan's ratification of the European Convention on Human Rights to take advantage of their right to submit individual appeals before the European Court of Human Rights.

16. The Assembly is obliged to observe that if there is no solution to the problem of the political prisoners by the Assembly's autumn 2004 part-session, Azerbaijan's presence within the Council of Europe will have reached a critical stage.

17. The Assembly formally asks the Azerbaijan Government for the immediate release on humanitarian grounds of political prisoners whose state of health is very critical, prisoners whose trials were erroneous, prisoners having been political activist or eminent members of past governments, and members of their families, friends or persons who were linked to them.

18. Furthermore, the Assembly calls on the Azerbaijan Government to release the remaining political prisoners already identified on the experts' list.

19. The Assembly calls on the Secretary General of the Council of Europe:

i. to instruct his experts to complete their second mandate as soon as possible;

ii. to envisage prolonging the work of the experts for a third mandate, with a view to considering a supplementary list of 88 names of other presumed political prisoners who were unfortunately forgotten when the initial list of 716 presumed political prisoners was drawn up, and new cases of presumed political prisoners which came to light between 1 January and 15 April 2002, the date of the entry into force of the European Convention on Human Rights in Azerbaijan;

iii. to ask the member states of the Council of Europe to be extremely cautious if they receive extradition requests concerning citizens of Azerbaijan for they may have hidden political motives.

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II. Explanatory memorandum
by Mr Bruce, Rapporteur

A. Analysis of the problem of political prisoners in Azerbaijan

1. Resolution 1272 (2002), adopted by the Assembly in January 2002, asked Azerbaijan to show a stronger political will to solve the problem posed by the existence of political prisoners (paragraph 7 of the Resolution).
2. It will be recalled that the Assembly recognised the existence of 17 political prisoners in Azerbaijan, based on the conclusions of the experts appointed by the Secretary General of the Council of Europe. Even before the adoption of Resolution 1272 (2002), six of them had been released. A seventh was subsequently released. At the time of the first drafting of this report (December 2003), some eight individuals remained in prison. Fortunately, as a result of the pardon of 29 December 2003, two others have been released. Consequently, to date (early January 2004), there are now just six, two of whom have had to face a new trial. The Azerbaijani authorities refuse to accept that these detainees are political prisoners, in spite of the experts' opinion and the aforementioned Assembly Resolution.
3. A joint working group was set up by the Monitoring Committee and the Committee on Legal Affairs and Human Rights on 25 April 2002 to ensure follow-up to this Resolution. MM Gross and Martínez-Casañ, co-rapporteurs on Azerbaijan's honouring of its obligations and commitments, were appointed together with Mr Soendergaard; for the Committee on Legal Affairs and Human Rights, Mr Pollozhani, and Mr Hunault were appointed successively, and, most recently, Mr Wilkinson. Moreover, the Committee on Legal Affairs appointed me as rapporteur on 1st October 2003, following referral to our Committee of Mr Clerfayt's report (Doc 9826 of 6 June 2003). I would like to thank at this point all the work done by Georges Clerfayt, and the advice and information he provided me.
4. The joint working group met on 25 April 2002, 26 June 2002, 14 January 2003, 28 January 2003, 3 April 2003, 26 June 2003 and 26 September 2003.
5. The joint working group wished to exchange information regularly with the independent experts appointed by the Secretary General of the Council of Europe and with the Committee of Ministers' monitoring group, known as the "GT-Suivi.Ago", which are also examining the problem of political prisoners in Azerbaijan. Accordingly, representatives of these two groups have been invited to attend the joint working group's meetings; the group welcomes the close collaboration and harmonisation of efforts that have been established.
6. It should be noted that on 18 April 2002 the Secretary General of the Council of Europe asked the experts, MM Trechsel and Alkema, to accept a second mandate to continue the work in hand. They agreed. Consequently, with effect from the end of April 2002, the two experts undertook to examine whether the presumed political prisoners mentioned on the initial list of 716 names submitted by Mr Eldar Zeynalov's NGO "Human Rights Centre", and whose cases had not yet been looked into, could be considered as political prisoners on the basis of the objective criteria adopted in their first report.
7. Accordingly, the following were removed from the initial list of 716 names compiled in mid-2000:
 - prisoners released following successive pardons granted by Azerbaijan;
 - prisoners released because their sentences have expired;
 - prisoners who have died in the meantime;
 - names which, on examination, turn out to be entered twice (mistakes with forenames);
 - the 21 cases already examined (since, from the first list of 23, two cases had not been examined in greater detail in the absence of sufficient information)

- cases concerning which the NGOs have been unable to provide additional information confirming that these people are indeed prisoners, where the authorities deny that they are being detained.

This "cleaning up" of the first list made it possible to ascertain that there remained 212 cases to be examined on 2 April 2003.

8. It is fair to consider that this initiative of 18 April 2002 by the Secretary General of the Council of Europe, asking the experts to pursue their work, is itself a fulfilment by other means of the task that the Assembly set out in paragraph 6 of its Resolution. Certainly, in carrying out their task of clarifying and pursuing in-depth examination of the list, the experts enjoyed good co-operation from the Azerbaijani authorities, who provided the necessary documentation. Consequently, there was no need for the Parliamentary Assembly's joint working group to undertake a similar task, which would have been long and difficult and entailed a duplication of work.

9. As was already the case for my predecessor's report of 11 January 2002 (Doc. 9320) following publication of the experts' first report, the Assembly could take note of the second report and pursue its political activities on the basis of the observations made therein, with a view to demanding the release of newly-established cases of political prisoners from the initial list of 716 names, recently reduced to 212.

10. Since this list was compiled on 1 January 2001, new cases of presumed political prisoners have been brought to light by the Federation of NGOs working with Eldar Zeynalov's NGO, cited above, which includes an NGO set up by Murad Sadaddinov, a released former political prisoner, and his wife Rena, and the NGO led by Ms Leyla Yunus. These are cases which have been so far been overlooked or unknown, since it is simply difficult for well-intentioned volunteers to carry out detection work. Thus, a supplementary list of 88 cases has been compiled (see appendix). It includes the names of prisoners convicted prior to 1 January 2001 whom the aforementioned NGO also recognises as presumed political prisoners, as well as other recently arrested and convicted prisoners who should also be considered as presumed political prisoners. In our opinion, the experts should also be given the task of examining this supplementary list.

11. The lists may be closed on 15 April 2002, because individuals who have been convicted since then have been or still are entitled to submit applications to the European Court of Human Rights. In contrast, to close them before that date, for example on 1 January 2001, would mean discriminating among the presumed political prisoners and depriving those who were convicted between 1 January 2001 and 15 April 2002 of the Council of Europe's protection.

12. Those prisoners included on the lists supplied by NGOs who can reasonably be described as political prisoners fit into a number of categories. Specifically they include people who were politically active before they were imprisoned and whose imprisonment is of political benefit to the Government (i.e. people whose riddance the administration benefited from); people who had, wittingly or unwittingly, upset a senior member of the government; the families, friends or associates of such people whose only offence was to have been so; people, including most in the above categories, imprisoned in spite of the fact that the evidence was inadequate, disputed, circumstantial or in spite of the fact that the evidence was presented or based on false witness (this included cases where the judge questioned the credibility of the evidence but still convicted and sentenced); people sentenced disproportionately to the offence; people detained even when seriously or chronically ill.

13. Many of the political prisoners have been indicted under laws of treason or anti-state activity which are open to highly subjective interpretation. Others claim they have been convicted with lack of evidence even acknowledged by the presiding judge. This is sadly characteristic of the methods used by former communist regimes for removing dissidents, methods of which many current members of the Azerbaijan authorities have active first hand experience. Many of the so-called crimes are determined under subjective laws of 'action

against the state'. These are open to interpretation and are the kind of laws that were used by the apartheid regime in South Africa to justify keeping Nelson Mandela in prison for 27 years.

14. Admittedly, the worst has been avoided, through a certain progress and the abolition of the death penalty. In addition, it seems that neither political assassinations nor (organised) disappearances of opponents exist, as is the case in Belarus. Nevertheless, over the past decade – and, alas, the process has continued recently (see above) - political prisoners are being produced on a relatively wide scale. This is unacceptable.

15. The Assembly must insist that these practices are ended without delay. Imprisoned political figures must be released, since they must be able to stand as candidates should they so wish. Exiled political figures, threatened with arrest if they return following accusations of various so-called crimes, must be entitled to return freely to their country and, given that they should be presumed innocent in the absence of convictions in a fair trial, must be able to stand as candidates in future elections should they so wish.

16. We believe that the only politically correct attitude to adopt vis-à-vis all the presumed political prisoners is that of a general amnesty. As my predecessor wrote in his report of January 2002, paragraphs 117 to 120, this amnesty is necessary in order to signal Azerbaijan's adoption of democracy and to preserve its democratic reputation. Such an amnesty is essential to ensure the legitimacy and prestige of the current leadership. The decision to release is a matter for the Azerbaijani authorities. They can therefore consider all names put to them not just those that the Council of Europe experts have confirmed.

17. Since my predecessor's report of January 2002 and the adoption of Resolution 1272 (2002), the Pardons Committee has admittedly shown a certain measure of goodwill, since it has put forward the cases of some 284 political prisoners for presidential pardon; this has been granted via four successive pardon decrees¹. Nonetheless, it has so far refused to show clemency – and some would say loyalty towards the democratic principles and commitments accepted by Azerbaijan with regard to the Council of Europe – at least for four political prisoners recognised as such in the experts' first report and considered as such by the Assembly in the afore-mentioned Resolution 1272, not to mention the two who, after having received a new trial, were recently once again convicted.

18. In addition, various prisoners who believe themselves to be innocent and unfairly convicted told us that they refused to ask for a pardon in writing, since in their opinion this would be the equivalent of confessing. They find this idea insupportable! The Chair of the Pardons Committee, to whom we submitted this objection, replied that family members and even NGOs could request a pardon, in writing, in the place of a convicted person. However, in such cases, the administration would contact the latter for his opinion on the pardon application. Apparently, all the prisoner would be required to sign was a statement saying: "I do not refuse pardon". What are we to make of this reply? A former prisoner, now released, assured us that this was incorrect. The statement to be signed is much more self-accusatory! If this is the case, there is a serious problem. We continue to consider that the process under which the Pardons Committee is being used to resolve the problem of political prisoners is not sufficient. The political authorities should grant a genuine amnesty for all cases of political prisoners.

19. On 6 May 2003, Parliament adopted an amnesty law to mark the anniversary of victory in the Second World War. It is intended to benefit convicts who are family members of those who died in the war or during the country's independence struggle in 1990, persons who have been deported from Armenia or the territories occupied by the Armenian army, etc. However, the crimes concerned must be punishable by less than five years' imprisonment and, whatever the crime, the length of the outstanding sentence must not exceed six months. Whatever the case, perpetrators of acts of treason, coups, attempted coups, etc, are excluded from the amnesty (a long list of articles from the Criminal Code). In other words, very few of the detainees considered by the NGOs to be political prisoners can benefit from

¹ Presidential decrees of 13 March 2002, 27 May 2002, 28 October 2002, 11 February 2003, 17 June 2003, 26 August 2003 and 29 December 2003.

this amnesty law. In short, the problem of political prisoners remains unresolved. When we suggest an amnesty in their favour, we refer to something other than the approach that has just been adopted.

20. In my approach to meetings with officials, my objective was to be constructive, persuasive, clear and firm. In particular, I put it to the President that as he was newly elected and I was newly appointed, it was a chance for a new start. He welcomed that and said, while not accepting that there were political prisoners, he wanted to resolve the issue as a matter of dispute between Azerbaijan and the Council of Europe. I made it clear that that would require the release of a significant number of prisoners, including political opponents who may or will openly campaign in opposition once released, before the Assembly's January part-session. The President clearly understood that, as he granted pardon on 29 December 2003 to 62 political prisoners, including pilot cases.

21. I drew attention to the United Kingdom's experience in Northern Ireland where people who had committed murder and robbery with violence claimed to be political prisoners because they were doing it for the IRA. As part of the peace process the United Kingdom government has released more than 200 in this category.

22. If the Council holds to the position of principle that there cannot be political prisoners, it is because, where such prisoners exist, there is clear evidence that the democratic rules are not respected. Political figures cannot be kept in prison. By extension, neither can their relatives or supporters who are innocent of any punishable act.

23. The existence of political prisoners is tangible proof of the shortcomings of democracy. Because of this, the free and fair conduct of the electoral process which, in a democracy, constitutes the fundamental mechanism for the legitimation of political leaders, is at risk.

B. Analysis of specific cases of political prisoners in Azerbaijan

24. From 10 to 14 February 2003 and 5 to 9 May 2003, a delegation of the joint working group visited prisoners in prison, met the lawyers of the main prisoners, and were visited by members of prisoners' families; on 8-9 December 2003 I did the same in my capacity of new rapporteur (see the programme of the visits in the appendix). Both the delegation and myself were accompanied on these visits by Mr David Cupina, Deputy Secretary of the Committee on Legal Affairs and Human Rights, to whom I would like to express my appreciation for his hard work and efficiency.

25. With regard to the main cases, i.e. the majority of the 10 political prisoners who are recognised as such, they were visited on each visit, i.e. three times. In total, forty-two prisoners were met; among those, fifteen have been released.

26. I should like to thank warmly Mr Mammedov, Minister of Justice, and General Gazymov, Deputy Minister, who permitted us to meet all those whom we wanted to visit, for as long as we wished. We were able to meet the prisoners face to face and to speak freely with them, without indiscreet listeners, through the good offices of very dedicated interpreters.

27. I take this opportunity to note that the prisoners everywhere acknowledged that they were well-treated. Having visited prisons across Europe that the only problem remains the difficulty in receiving treatment with the appropriate medication in certain cases of illness.

i. The 3 prisoners retried

28. This concerns the cases of Iskander Gamidov (test case n°1), Alikram Gumbatov (test case n° 2), and Raqim Gaziyeu (test case n° 3), all of them former ministers.

29. As the cases of these three persons are taken into account in both Opinion n° 222 (2000) and Resolution 1272 (2002), it is unnecessary to expand on them here. We will merely take stock of their prospects.

30. In its Resolution 1272 (2002), the Assembly had asked Azerbaijan "to give renewed consideration to the political expediency of releasing them". Instead, new trials were begun of these three recognised political prisoners, following a decision to this effect by the Prosecutor General on 26 December 2001. These trials were held in the high security prison in Qobustan.

31. I have been able to meet these three symbolic prisoners, as well as their lawyers. I have been of the opinion for a long time, as is also the view of the experts, that they are undoubtedly political prisoners.

32. With regard to the case of I. Gamidov, it should be noted that the last sitting of his trial was on 26 December 2002, and that it has been suspended since that date. In total, his new trial lasted for five hours, spread over seven days. On 1 July 2003, the Court of Appeal reduced his prison sentence from 14 to 11 years; on the date of the verdict, he had therefore two years and seven months of his prison sentence left to serve. I. Gamidov was released by the last pardon decree of 29 December 2003.

33. The trial of A. Gumbatov is also proceeding chaotically. The last sitting in his trial, scheduled for 19 May 2003, had been postponed on account of the main judge's indisposition, and no new date had been announced. On 10 July 2003 he was again sentenced to life imprisonment.

34. The last sitting in the trial of R. Gaziyeu took place on 26 December 2003. The life imprisonment of R. Gaziyeu was replaced with a 15-year imprisonment, and the decision on confiscation of his property was removed.

35. We believe that these new trials, which in reality are disguised appeal trials, not genuine new trials, fall short, as far as the procedure is concerned, of the expectations expressed by the Assembly in its last report on political prisoners in Azerbaijan. The judicial investigation should have been started again from the beginning, and the accusations made against the defendants should not be lifted purely and simply from the previous trials, since the former judgments are currently still in force and consequently the three prisoners do not benefit from the presumption of innocence. Moreover, since these trials are being held in prison (in Qobustan, far from Baku), it is not easy for people to attend. Finally, in some cases, witnesses called by the defence were refused by the court.

36. From what we were told, the judges in these trials allegedly feel that their hands are tied by the authorities, who will decide arbitrarily when the trials will end. The lawyers expect the courts to confirm the same sentences.

37. We believe that Azerbaijan should release these two prisoners immediately, failing which it would be disowning the commitments freely entered into with the Council of Europe.

38. In any case, A. Gumbatov should be immediately released and given treatment, on account of his critical state of health.

iii. The 7 other prisoners recognised as political prisoners by the experts

39. After the adoption of Assembly Resolution 1272 (2002), 7 other political prisoners, recognised as such by the experts (out of the 17 on the original list) were still in prison, and only N. Imranov (test case n°14) had been released. Accordingly, I met them all. In paragraph 10 of the Resolution, the Assembly had asked for their release. It will see no need to change its attitude towards them after considering the information presented below. Since the last version of the report of 22 August 2003, 3 were released and the remaining 4 were given a promise of retrial.

Elchin Samir oglu Amiraslanov (test case n°5)

40. According to information provided by the Azerbaijani authorities, the Commission on Pardons considered it impossible for him to be granted a pardon.

E. Amiraslanov was condemned to death on the basis of Articles 220-II, 95 and 71 of the former Criminal Code of the Republic of Azerbaijan in case concerning the OP(M)ON , special police units which were behind an attempted "coup". He was sentenced to life imprisonment, then to 13 years' severe imprisonment. Following the Assembly's request for his release, he was transferred, without any apparent reason, from the Bayil prison in Baku to the Qobustan high security prison.

E. Amiraslanov was involved in the alleged attempted coup of March 1995. He received a head wound. He claims to have been tortured for eight months during his pre-trial detention. Close relatives and associates have been arrested and manhandled, and some have received prison sentences, two of them of 12 years.

The regime is afraid of his influence on account of the posts he has held - head of presidential security and head of security at the Parliament, and of his military prestige in the Afghanistan and Nagorno-Karabakh wars.

Although we do not have access to the court judgment that convicted him, we can trust his statements, and the experts' view, that the trial was marked by numerous irregularities.

Natig Islam oglu Efendiyev (test case n°7)

41. According to information provided by the Azerbaijani authorities, the Commission on Pardons considered it impossible for him to be granted a pardon.

N. Efendiyev was convicted on the basis of articles 168-II, 172, and 93-9-II of the former Criminal Code of the Republic of Azerbaijan, and articles 278, 28 and 279-2, 228-1, 311-3-1, 311-3-3, 311-3-4, and 292-1 of the new Criminal Code of the Republic of Azerbaijan in the "Rasul Guliyev" case.

N. Efendiyev was a colonel a former chief of police in Ganja. In 2000, he was sentenced to life imprisonment accused of preparing a so-called "coup" against the authorities. In reality, he is a supporter of R. Guliyev, former President of the Parliament, now in exile (see above), and a member of his party, the "ADP" (Azerbaijan Democratic Party), whose members have recently been insulted, assaulted, arrested and sentenced to prison terms or fines. Obligated to accuse R. Guliyev publicly, he is alleged to have refused and instead to have sought to defend him.

N. Efendiyev claims to have been psychologically tortured. Close relatives and associates have been arrested and manhandled. His children have obtained political asylum in the United States.

After our first visit in February, N. Efendiyev staged a hunger strike for two weeks. He was placed in solitary confinement ("karce r"), in retaliation for statements that he is said to have made to us.

Although we do not have access to the court judgment that convicted him, we can trust his statements, and the experts' view, that the trial was marked by numerous irregularities and in particular that there is no evidence that a "coup" was being prepared.

Arif Nazir oglu Kazymov (Kazimov) (test case n°15)

42. According to information provided by the Azerbaijani authorities, the Commission on Pardons considered it impossible for him to be granted a pardon.

A. Kazymov was convicted on the basis of article 57 of the former Criminal Code of the Republic of Azerbaijan (“high treason”) in the OP(M)ON case, cited above, along with E. Amiraslanov. He was sentenced to life imprisonment. He has been transferred without apparent reason from the Bayil prison in Baku to Qobustan high security prison.

A. Kazymov claims to have been tortured during the pre-trial detention, and also that many people have died under torture in the Interior Ministry’s premises. His state of health allegedly requires surgery. Relatives and close associates have been arrested and persecuted.

Although we do not have access to the court judgment that convicted him, we can trust his statements, and the experts’ view, that the trial was marked by numerous irregularities and that he was illegally held on death row for a period after the abolition of the death penalty in Azerbaijan.

Qalib Jamal oglu Abdullayev (test case n°16).

43. Q. Abdullayev was convicted on the basis of articles 57, 70-2 and 220 of the former Criminal Code of the Republic of Azerbaijan in the case concerning the OP(M)ON, already mentioned in the previous case.

Q. Abdullayev was released by the pardon decree of 17 June 2003.

Suret Davud oglu Guseynov (Huseynov) (test case n°17)

44. According to information provided by the Azerbaijani authorities, the Commission on Pardons considered it impossible for him to be granted a pardon.

S. Huseynov was convicted on the basis of articles 57-I, 57-1-I and II, 15 and 57-1-I, 15 and 59-I, 15 and 94-III, IV, VI and VII, 17 and 145-II-1, 2 and 6, 88-1, 220-I and II and 220-1-III, 70-2-I, II and III and 15, 70-2-II, 226-II, 226-3 and 226-4-II, 17 and 255 “b” and “v”, 120-II, 15 and 61, 93-3-IV, 93-7-IV, 15 and 93-9-III, 17 and 146, 167-I and II, 172, 17 and 185-II, 188 and 6-II, 193-II and 194-II of the former Criminal Code of the Republic of Azerbaijan in the case that bears his name.

S. Huseynov was sentenced to life imprisonment mainly on the basis of charges of having stirred up a so-called “coup” against the authorities in Ganja and in other towns. He has been transferred without apparent reason from Bayil prison in Baku to Qobustan high security prison.

It should be noted that he was an ally of President Aliyev when the latter came back to power.

As a former Prime Minister, highly thought of by politicians, and a national hero, considered as such by his compatriots, S. Huseynov represents a direct threat to the current regime: in addition, he does not hide his political ambitions.

While Prime Minister, he had a direct confrontation with President Aliyev when he stood up to him by refusing to carry out his order to use violence to release the General Prosecutor, who had been taken hostage during an attempted coup. The President stated on national television that the Prime Minister had disappeared, and this was the start of a political game that ended in S. Huseynov’s exile from the country.

S. Huseynov was arrested in Russia following an extradition request from the Azerbaijani authorities, who wished to take proceedings against him for various crimes that were less important than those for which he was finally accused (in addition to the initial charges). He claims that his arrest was illegal.

S. Huseynov claims to have been tortured during his pre-trial detention in the premises of the police station in Baku, and that witnesses were tortured so that they would testify against him; although the latter have since alleged that their testimony was obtained through torture, the court that convicted S. Huseynov ignored these allegations.

Family members and close associates have been arrested and assaulted, and some have been sentenced to prison (his cousin is imprisoned in Qobustan high security prison).

Although we do not have access to the court judgment that convicted him, we can trust his statements, and the experts' view, that the trial was marked by numerous irregularities and that he was illegally held on death row for a period after the abolition of the death penalty in Azerbaijan.

Ilgar (Ilqar) Aziz oglu Safikhanov (test case n°18)

45. I. Safikhanov was convicted on the basis of articles 57-I, 57-1-II, 70-2-I and III, 220-II and 194-II of the former Criminal Code of the Republic of Azerbaijan in the "Suret Huseynov" case. He was sentenced to 15 years' severe imprisonment on the charge of having participated in the so-called "coup" led by S. Huseynov, who is a personal friend.

I. Safikhanov was released by the last pardon decree of 29 December 2003.

Guseynbala Guseynov (Huseynbala Huseynov) (test case n°25)

46. H. Huseynov was convicted in January 1997 on the basis of articles 17 and 57-I, 15 and 59-I, 15 and 91-II and III, 15 and 94-IV and 220-I of the former Criminal Code of the Republic of Azerbaijan in the case of the "generals' plot". He was sentenced to 11 years of severe imprisonment on the charge of having taken part in the attempted assassination of the President of the Republic by firing at his aeroplane.

G. Guseynov was released by the pardon decree of 17 June 2003.

iii. Various cases on the experts' list

47. It will be remembered that, after 1 April 2002, the experts continued to "clean up" the list of 716 names compiled on 1 January 2001 by the Azerbaijan Human Rights Centre, a list which appears in the appendix to document SG/Inf (2001) 34. This association's premises, as well as those of the Institute for Peace and Democracy, were vandalised from 23 to 25 June 2003 by a crowd which was demonstrating. These actions were due to campaigns launched against these NGOs in the government media and television aimed at discrediting them in the eyes of the population. To us, these political manipulations are not acceptable, even less so since they target NGOs which we respect and with which we have been working for a long time. Indeed, we visited these premises one evening during the second visit, in order to demonstrate our solidarity with these organisations, which are indisputably working for human rights protection.

The experts are indeed considering the cases of 212 prisoners which remain from the initial list of 716 names. But, having been informed of the interesting and special nature of some these cases we wanted to visit these prisoners to make an opinion of our own. Anticipating the opinion which will be given by the experts, we consider them as real political prisoners.

Ibad Adygozalov

48. I. Adygozalov was convicted in 1995 to 12 years' imprisonment in the case known as the "Generals' coup", an alleged attempted coup where 30 persons, most of whom did not know each other, were convicted at the same time although only 6 of them were soldiers. The conviction is based on articles 57 and 82 of the former Criminal Code of the Republic of Azerbaijan. Moreover, he was also accused of having assisted R. Gaziyeu to escape. But there are apparently no witnesses to testify to this charge, nor any evidence.

I. Adygozalov was released by the last pardon decree of 29 December 2003.

Nariman Yaman oglu Yahyaev

49. N. Yahyaev was sentenced to 10 years in prison for having organised a so-called "coup" in Mengechevir and on the charge of participating in S. Huseynov's alleged coup.

N. Yahyaev was released by the last pardon decree of 29 December 2003.

Ismayil Agayev

50. I. Agayev was sentenced to 9 years in prison in the OP(M)ON case and he has been serving his sentence for 8 years.

I. Agayev was a member of the Popular Front. He held the post of police commandant, and allegedly refused to obey an order to arrest and kill M. Djavadov, brother of R. Djavadov, the assassinated former Deputy Interior Minister.

A witness accused him of having handed over \$5000 dollars in exchange for not arresting someone, but this witness has since retracted.

I. Agayev has requested a pardon on several occasions, which has so far been refused. In 2002, he allegedly received, ten days apart, two different decisions concerning him, the first releasing him and the second keeping him in prison.

Qambar Chingiz oglu Isganderov

51. Q. Isganderov was convicted on the basis of article 57 of the former Criminal Code of the Republic of Azerbaijan in the case concerning S. Huseynov's so-called "coup", and sentenced to 14 years in prison.

Q. Isganderov was released by the pardon decree of 17 June 2003.

Fakhraddin Djmaladdin oglu Ismayilov

52. F. Ismayilov was sentenced to 11 years in prison in the OP(M)ON case.

F. Ismayilov is a former police chief in Ganja, with the rank of lieutenant-colonel, and is a supporter of R. Djavadov, the former Deputy Interior Minister.

He was accused of incompetence and abuse of power in dealing with the case concerning the "Nidjat" charity committee, situated beside a military camp in Ganja, where an attempted coup is alleged to have taken place.

His health is really very bad (he has several problems). His mother is dead. He has three children.

F. Ismayilov has apparently requested a pardon on several occasions.

According to information received by the experts from the Azerbaijani authorities, F. Ismayilov had apparently been released, but the delegation of the joint working group met him in prison.

Eldar Elshad oglu Muradov

53. E. Muradov was sentenced to 10 years in prison for "treason" in the case concerning S. Huseynov's alleged coup.

E. Muradov, colonel, Chair of the Afghanistan war veterans, was injured during the fighting for the independence of the country. He enjoys the prestige of having stopped the Russian tanks in Baku.

He is a former head of the Baku metropolitan police. He lost his job when President Aliyev dissolved his department. Before that he claims to have inflicted considerable damage on the Azerbaijani mafia by fighting efficiently against drug traffic and prostitution.

E. Muradov has apparently asked for a pardon on several occasions.

Mikayil Hadjiverdi oglu Hadjiyev

54. M. Hadjiyev was sentenced to 12 years in prison (or 14 years); he is accused of being the so-called Defence Minister of the self-proclaimed "Talysh Mugan" Republic. His case was separated from that of Alakram Hummatov.

M. Hadjiyev was released by the last pardon decree of 29 December 2003.

Ramiz Ismayil oglu Djalilov

55. R. Djalilov was sentenced in August 1996 to 15 years in prison in the OP(M)ON case.

R. Djalilov was a close friend of the former Deputy Interior Minister, R. Djavadov. He ran a security firm which employed former combatants from the Nagorno-Karabakh war. He was accused of having plotted, with R. Djavadov and V. Shahmuradov (another prisoner), to prepare a "coup".

R. Djalilov is accused of murder and of having attempted to commit another murder with the complicity of R. Djavadov's brother, M. Djavadov, who is currently being sought, but no victim has apparently been identified. The only witness of the accusation died before the opening of the trial. M. Djavadov is said to be in exile in Austria. The Azerbaijani authorities have apparently said that R. Djalilov will not be released until M. Djavadov has turned himself in.

Eight employees of his company have allegedly been arrested the intention being that they would accuse their employer. Those who did accuse him subsequently retracted these statements in court. Two of them were sentenced to six years in prison.

R. Djalilov is alleged to have been tortured in August 1996 in the premises of the Ministry of National Security.

Burjali Burjaliyev

56. B. Burjaliyev was arrested in 1995 in the so-called "Generals' coup" and he was sentenced in 1996 on the basis of article 57 of the former Criminal Code of the Republic of Azerbaijan to 12 years in prison.

B. Burjaliyev was released by the last pardon decree of 29 December 2003.

Rasul Musa oglu Suleymanov

57. R. Suleymanov was sentenced to 11 years in prison following his arrest in Russia and his extradition to Azerbaijan.

R. Suleymanov held the rank of colonel in the army. He is a close friend of S. Huseynov.

R. Suleymanov was allegedly held for 9 months in a police station, where he is said to have been tortured. He was apparently asked to testify against Eldar Hasanov, the former General Prosecutor, who was obliged to resign.

R. Suleymanov has been transferred from prison N°9 to Qobustan high security prison, for unknown reasons.

Tehran Sabir oglu Latifov

58. T. Latifov was convicted on the basis of Articles 315, 233 and 196 of the Criminal of the Republic of Azerbaijan and sentenced to six years' imprisonment for the events which took place in Sheki. His sentence was reduced to four years by the Supreme Court in 2000.

T. Latifov was released by the last pardon decree of 29 December 2003.

Rovshan Vagif (Vaqif) oglu Jafarov (Djafarov)

59. R. Djafarov was convicted on the basis of article 57 of the former Criminal Code of the Republic of Azerbaijan ("high treason") in the OP(M)ON case, and sentenced to 15 years' imprisonment.

R. Djafarov's sentence was reduced by half by the pardon decree of 17 June 2003. He was released by the last pardon decree of 29 December 2003.

Rasim Aga oglu Akberov (Akberov)

60. R. Akberov was convicted on the basis of article 57 of the former Criminal Code of the Republic of Azerbaijan ("high treason") in the "Rasul Guliyev" case, and sentenced to 15 years in prison; the General Prosecutor is alleged to have told him before the trial that he would be given this sentence. He was convicted as recently as 2000; the judgment was upheld by the Appeal Court in 2001, and he appealed to the Supreme Court in 2002.

Like many other political prisoners, R. Akberov fought in Nagorno-Karabakh, where he received battle injuries, and where he earned the title of national hero. A brigade commandant, he is accused of having been involved in preparing a coup in 1998, ordered by R. Guliyev. R. Akberov claims to have had no contact with R. Guliyev, and is not a member of any party.

R. Akberov was arrested and interrogated by the KGB. There was allegedly no mention of the attempted coup during his interrogation. The witnesses who accused him were allegedly former enemies of his region, who provided false testimony out of a sense of vengeance. In exchange for his freedom, R. Akberov would have had to help the KGB to prevent R. Guliyev's return to Parliament. This was the deal which was proposed to him.

R. Akberov is suffering from numerous contusions in various parts of his body; he has had a cranial wound, suffered heart attacks and other serious problems, in particular of the nervous system.

Zavur Mammedov

61. Z. Mammedov is the brother-in-law of S. Huseynov (pilot case No.17).

In 1996, he managed to escape from Azerbaijan. At the time his wife and children had just been arrested and his house was under police guard. He fled to Russia, and then Turkey. In 1997 he featured on the list of wanted individuals. He returned to Azerbaijan in 1999 when he was arrested and interrogated in the house of a friend. He was unable to have immediate access to a lawyer.

Z. Mammedov was given a 10 years' prison sentence under Articles 57, 59, 61, 220, 194, 82 and 187 of the former Criminal Code of the Republic of Azerbaijan; he claims not to know the reasons for his arrest. There was allegedly a blank space on his forced letter of confession for him to add comments.

It would appear that his application for pardon was rejected by the Commission on Pardon on the grounds that he had not yet completed half of his sentence.

Eyvaz Aliyev

62. E. Aliyev was convicted under Articles 57 and 220 of the former Criminal Code of the Republic of Azerbaijan in the "S. Huseynov" case, with his sentence apparently being increased from 10 to 12 years.

E. Aliyev was released by the last pardon decree of 29 December 2003.

Bakhtiyar Hadjiverdi oglu Hadjiyev

63. B. Hadjiyev was arrested in 1993 and sentenced to 11 years' imprisonment. He is accused of being a subordinate of A. Gumbatov and a supporter of the self-proclaimed Republic of "Talysh Mugan Republic".

B. Hadjiyev was released by the last pardon decree of 29 December 2003.

Eldar Zeynalabdy oglu Hasanov

64. E. Hasanov was sentenced, on the basis of article 57 of the former Criminal Code of the Republic of Azerbaijan, to 15 years in prison in the same case as I. Safikhanov (see above).

E. Hasanov was released by the last pardon decree of 29 December 2003.

In addition, **Nazim Rauf oglu Bayramov**, who I visited in December 2003, was released by the last pardon decree of 29 December 2003.

iv. Some cases which are not on the experts' list

65. The following cases are cases which were unfortunately overlooked when the first list of 716 names was compiled on 1 January 2001 and consequently they do not appear on the list of 212 cases currently under consideration by the experts. Or they are cases of persons convicted after 1 January 2001. They are symbolic or pilot cases for they show that the mission of the experts has still to be completed and broadened to the cases of persons convicted up until 15 April 2002 when the European Convention on Human Rights came into force in Azerbaijan.

66. These new cases of political prisoners, as far as they have been fabricated since the middle of the year 2000, that is to say after the green light of the Assembly for the accession of Azerbaijan to the Council of Europe, are particularly shocking. Azerbaijan knew, from that moment on, that it was unacceptable for a member States to have a single political prisoner.

Djanmirza Mirzoyev

67. Djanmirza Mirzoyev was sentenced to 8 years in prison in 2001 by a military bench; his sentence was upheld on appeal in 2002, although the main witness, A. Tahirov, a common law prisoner sentenced to life imprisonment, is alleged to have completely retracted his statements and admitted that he was acting under blackmail.

D. Mirzoyev's case has been completely fabricated.

D. Mirzoyev held the rank of naval captain. He had condemned corruption, and in particular had brought to light the black market in cigarettes. He had made himself popular by condemning in a report embezzlements in the Ministry of Defence, which were detrimental to the good management of the military budget. He had wanted to resign from the army, but his resignation had been refused. He had also wanted to run for election but his candidature had been refused.

D. Mirzoyev was then arrested and tried for having given the order to assassinate Rear Admiral Eduard Guseynov (Huseynov), whose first deputy he had been and whom he subsequently succeeded as Chief of the Military Academy. This old crime which dated back to 1994 had remained unpunished since then. When the witness retracted in the Court of Appeal, he confessed that he had been promised that this brother would be released if he accused D. Mirzoyev. Since there was no evidence left after the falling apart of this testimony, the trial had been suspended for a long time. When it was resumed, another witness had miraculously been found to accuse D. Mirzoyev.

The case of D. Mirzoyev was already mentioned in the report of January 2002.

Aydin Mahammad oglu Shirinov

68. Shirinov was sentenced to 8 years in prison in 2001, as part of the OP(M)ON case; he had been imprisoned since 2000; his sentence was upheld in 2002 by the Supreme Court.

A. Shirinov was released by the last pardon decree of 29 December 2003.

Mammed Akber oglu Veliyev

69. Veliyev, an 62 year-old engineer, director of an important factory in the oil sector, was sentenced to 12 years in prison for complicity of embezzlement of public funds in the "Rasul Guliyev" case / the "oil" case.

This too is a completely fabricated case. Mr Veliyev's name was artificially linked with that of others in order to form an alleged criminal group of 16 persons, apparently headed by Rasul Guliyev; M. Veliyev then refused to testify against R. Guliyev and to burn certain documents on the order of the Minister of the Interior. Previously, Mr Veliyev had been a close associate of the President of the Republic, for whom he organised an electoral campaign.

M. Veliyev was also accused of having failed to respect an agreement reached between Azerbaijan and Russia for the delivery of parts manufactured by a company which he headed, and to have exchanged these parts with a Greek firm in exchange for Siberian oil.

False evidence was allegedly used during the trial. Six documents produced by the prosecution were false. The judge acknowledged this fact and removed these documents from the file. 29 experts involved in the case were apparently incapable of proving anything. The General Prosecutor, undoubtedly under pressure, is even alleged to have suffered a heart attack in the course of the trial.

M. Veliyev is in poor health; he suffers from asthma. He was apparently held in the "karcer" during his interrogation, and placed in a cell with drug addicts. In our view, this man seemed desperate and at his wits' end.

In order to fabricate the case of embezzlement of public funds against R. Guliyev, M. Veliyev and others had to be convicted (like Mrs Lebedeva, released since the report of the end of January 2002).

This file reveals yet another fabricated case.

Etibar Telman oglu Guliyev

70. E. Guliyev is a nephew of R. Guliyev. He was arrested in 1999 and sentenced, on the basis of article 71 ("fraud") of the former Criminal Code of the Republic of Azerbaijan, to 7 years in prison. Another nephew, Rza Guliyev, was arrested in 1998 and sentenced to 8 years in prison; he is in the same prison. Two other relatives of R. Guliyev, namely Bayram and Elbrus, were arrested in 2002 and sentenced to 11 and 10 years in prison respectively. (See in appendix the list of family arrests.)

E. Guliyev was the director of an oil and gas refinery, and is head of the "ADP" Party (Azerbaijan Democratic Party). After his arrest, he was removed from his post. 28 people from this factory were arrested, and 3 have been convicted (including E. Guliyev).

The Azerbaijani authorities apparently wished him to provide false evidence against R. Guliyev in exchange for his release; then they wanted him to admit that he had embezzled money from the company in order to benefit R. Guliyev. Finally, they are said to have invented a customs fraud, in which the undeclared money was allegedly intended to stage a coup. The Azerbaijani authorities accuse R. Guliyev's family of having embezzled 2 billion manats.

Djafar Sardar oglu Djafarov

71. D. Djafarov was sentenced, on the basis of articles 57 and 63 of the former Criminal Code of the Republic of Azerbaijan, to 10 years in prison in the OP(M)ON case.

D. Djafarov held the rank of lieutenant-colonel; he was the first deputy of the special tactical force responsible for protecting the President of the Republic.

He has claimed to be in possession of important information which, when he divulges it on his release, will show that the coup in which he has been implicated did not take place. Accordingly, the current authorities probably fear this man for what he knows.

D. Djafarov suffers from various serious health problems. He needs treatment.

Rahib Shaval oglu Mahsimov

72. R. Mahsimov was sentenced, on the basis of articles 15, 17, 61 and 65-5 of the former Criminal Code of the Republic of Azerbaijan, to the death penalty, which was commuted to life imprisonment. He is one of those accused of the bomb attack on the Baku underground in 1994.

R. Mahsimov is a member of the lesghian national movement, "Sadval". It seems that he was involved in violent demonstrations on the border with Dagestan. He was accused of separatism, and also of having taken part in an attack on the residence of the President of the Republic.

There were apparently numerous irregularities during the trial; fabricated documents and false testimony from servicemen who were obliged to speak against him were allegedly submitted to the court.

Faina K(h)ungurova

73. Faina K(h)ungurova was sentenced to 3 years in prison in 2002 for "hooliganism".

F. K(h)ungurova has been an activist in the "ADP" party ("Azerbaijan Democratic Party") since 2001. Her propaganda activities seem to embarrass the current authorities, who are alleged to have asked her to end these activities and to sign a statement asserting that Rasul Guliyev had forced her to take part in demonstrations and to falsify accounts. Given her refusal, she was detained in the women's prison, then transferred to Qobustan high security prison (the only woman to have been kept there), where she was apparently placed in the "karcer" for disciplinary reasons, and finally transferred to the central hospital, where the delegation of the joint working group met her and where she was considered as mentally deranged and was being treated for this. She is currently serving her sentence in the women's prison.

F. K(h)ungurova has refused to sign the compromise that she has been offered, and intended to lodge an appeal, then bring an application before the Supreme Court.

Yusif Alas oglu Ashrafov

74. Y. Ashrafov was sentenced, on the basis of article 57 of the former Criminal Code of the Republic of Azerbaijan, to 5 years' imprisonment in the OP(M)ON case. He was convicted in 2001. He was arrested in Kazakhstan and extradited.

Y. Ashrafov's brother, Bilal (Bilas) Alas oglu Ashrafov, who is on the list of 212 prisoners, was sentenced in the same case to 13 years' imprisonment, but his sentence was reduced by half by the pardon decree of 17 June 2003. In 1995, Y. Ashrafov was allegedly sought for six years by the Azerbaijani authorities before being extradited.

Y. Ashrafov told us that he had not taken part in any plots. His only fault is that, through his employment, he received weapons, which he provided to police stations. His signature appears on the register in which the reception of weapons is recorded.

His father is very old and is blind. He has two children. His request for a pardon has been refused on the grounds that he had not yet executed enough of his sentence.

Mobil Musleddin oglu Yolchuyev

75. M. Yolchuyev was convicted on the basis of articles 228, 277 and 278 of the new Criminal Code of the Republic of Azerbaijan in the case of "the presumed plot by the former prosecutors, Mammed Quliyev and Mahir Djavadov". He was sentenced to 15 years' (elsewhere 14 years') imprisonment in 2001, and his sentence was upheld by the appeal court in 2002. His family was intending to bring an appeal to the Supreme Court.

At the time of the events of which he is accused, he was living in Russia where he had a garage. It so happened that A. Mutallibov, the former President, had his car repaired in his garage. He had gone to Russia after having received threats, following the presumed plot by the Prosecutor M. Quliyev, whose relative he is; on the other hand, he has no connection with Mr Djavadov. Other persons were convicted in the same case and are currently serving their sentences.

He was arrested in Baku by the KGB and, to his great surprise, a revolver was discovered in his pocket, probably slipped into there by someone without his knowledge.

Djamal Zulfugar oglu (and not Ahmed oglu) Mustafayev

76. D. Mustafayev was convicted on the basis of article 28 of the new Criminal Code of the Republic of Azerbaijan in the "Ayaz Mutallibov" case and sentenced to 6 years in prison; the conviction occurred in 2001.

D. Mustafayev is one of those displaced by the war in Nagorno-Karabakh. He was a guard by profession, and a member of A. Mutallibov's Party of Civic Union. He had informed a KGB officer about embezzlement from funds run by an NGO, to the detriment of refugees, but the private conversation in which he also denounced the authorities was recorded. Thus he was subsequently arrested and convicted.

A friend of D. Mustafayev was also arrested and sentenced in the same trial, after KGB officers had placed two revolvers in this friend's house.

Baylar Mahammad Mehmet Ali Rzayev

77. B. Rzayev was first sentenced in 1993 to 3 years in prison, and again in 1995, on the basis of article 70 of the former Criminal Code of the Republic of Azerbaijan, to 10 years in prison in the case involving S. Huseynov's so-called "coup". He was allegedly not even interrogated, and was only informed of the charges against him once he was in prison. He has allegedly been transferred from one prison to another without apparent reason.

B. Rzayev worked under S. Huseynov's orders in a military police post in a distant region of Ganja, where he mobilised men for the war in Nagorno-Karabakh; it was at this time that he was arrested. Previously, he has assisted in the resettlement of individuals displaced by the war.

Strangely, B. Rzayev was arrested in 1993 and convicted in 1995, although the so-called "coup" took place in 1994; he was thus in prison when it occurred. He has apparently not been authorised to have his own lawyer. His wife has requested a pardon from the President of the Republic, which has been refused.

Suliddin Mirzoyev

78. S. Mirzoyev was arrested in 1995 and sentenced, on the basis of article 70 of the former Criminal Code of the Republic of Azerbaijan, to 10 years in prison in the case concerning S. Huseynov's so-called "coup".

S. Mirzoyev held the rank of army captain and was in charge of a battalion of almost 1000 men in the Aghdam region (NB: this is currently occupied by Armenia). He served 13 years in the army before being arrested in the execution of his duties. All the men under his direct command are said to have been arrested and convicted.

S. Mirzoyev alleges that on the occasion of a visit from the Commission on Pardons, charged with collecting requests for pardons, he was told that it would be impossible for him to obtain a pardon at that time, and that his case could be resolved, but only in the future. However, the Commission on Pardons has never given him an audience again.

Isabala Zafar oglu Safarov

79. This is a very sensitive and very complicated case.

According to his statements, I. Safarov was interrogated by a police officer in the premises of the central police station on two occasions, in 1999 and in 2002, when he was allegedly offered a reward in return for testimony accusing a political figure of having abducted a prosecutor. In the face of his repeated refusal, he apparently received two sentences (the first to 3 years in prison, the second to life imprisonment); he was allegedly imprisoned a first time, then released, then imprisoned a second time. While in prison, he is alleged to have hidden drugs in his pockets (twice) and was allegedly accused of having been indirectly involved in a case that led to a murder.

His son was apparently also arrested for drugs possession, then released after six months.

I. Safarov's health is very critical. He is said to have made several suicide attempts. A needle has remained in his left lung. Given the doctors' refusal to operate, which he told the delegation of the joint working group about, they intervened and asked that he be hospitalised. When they visited him the next day, the medical team explained that it was impossible to carry out the operation. When they were alone with the prisoner, he told them of the excruciating pain he suffered when he moved.

80. Among the recent cases of presumed political prisoners, special mention must be made of those who were arrested following the events of 15-16 October 2003. NGOs allege they are today 126 imprisoned. Because of lack of time, we were alas unable to meet them in prison during our last visit. They could certainly be considered as political prisoners and the NGOs with which we are in permanent contact on this matter consider them to be so and have registered them on the list of alleged political prisoners. We do not have all the elements to be in a position to judge. As their conviction is recent, they could, if they so wish, bring their case before the Strasbourg Court.

v. The unfortunate case of a political prisoner not recognised by the experts: the case of Fahmin Ahmedpasha (or Ahmedaga) oglu Hadjiyev

81. F. Hadjiyev was sentenced to 10 years' imprisonment at the close of his first trial in 1995, and to 15 years' imprisonment at the close of his second trial by the Supreme Court of the Republic of Azerbaijan in 1996, based on articles 15-94 (elsewhere 15-95), **255 v ("the use of a personal weapon with intent to commit murder")**, 245 g, 255 a, 255-l a and 238 of the former Criminal Code of the Republic of Azerbaijan, the two judgments being combined on the basis of Article 38 of the former Criminal Code. The sentence has retroactive effect and should be dated from 1994, the year of his arrest. He has already served 8 years. Another person convicted in the same case had his sentence reduced by 5 years; this remission was not applied to Hadjiyev.

82. The independent experts ruled that case n°10 was not a political prisoner, a decision which they confirmed by not including it in the list of cases to be examined (n°160 in the list).

83. I visited F. Hadjiyev and he asked to be recognised as a political prisoner. Political parties and NGOs are requesting his release. I am convinced that the reason for F. Hadjiyev's arrest and the sentences passed lie in political motives. He was one of the most active opponents and resisters to the coup of July 1993 when President Aliyev came into power. The regime considers him responsible, in his capacity as army colonel, for the fall of Khojali (this accusation has also been made against the former President Mutallibov), and seems to view him as a political opponent (member of the Azerbaijan Popular Front) who has constantly criticised President Aliyev and his regime since his exile in Turkey. According to his own statements and those of his lawyer, there were procedural violations: the charges were not proved, and although the witnesses denied his guilt to the hearing, their evidence was falsified.

84. The experts seem to have been influenced by the fact that he had been accused of using violence to shoot a soldier who had refused to obey his orders. But the soldier was only injured. The version of the facts given by the prosecution was unfavourable to the accused. But it was not proved. And the court refused to hear witnesses he called in his defence.

85. Having re-read the opinion of the experts, I think it is too severe. My conviction is that those in power wished to put and keep this man in prison for political reasons.

86. It should be noted that F. Hadjiyev claims to have been beaten and tortured in prison in October 2001, that is to say just after the publication of the experts' report which did not acknowledge him as a political prisoner.

87. F. Hadjiyev has appealed twice, in October and November 2002. A new appeal was made on 24 February 2003. The case is before the European Court of Human Rights.

88. I ask, with the Assembly's support, that this political prisoner have his trial re-opened (which he also requests).

vi. "Political exiles"

89. If the existence of political prisoners is unacceptable in a European democracy, so too is the existence of political exiles.

90. As Article 3 of Protocol N° 4 to the European Convention on Human Rights sets out, "no one shall be deprived of the right to enter the territory of the state of which he is a national".

91. Threatening a political figure who has gone abroad for the time being with arrest if he returns to the country, on the basis of various accusations that could lead to a long prison sentence, is an unacceptable method of preventing this person from participating in a democratic election.

92. Indeed, this action distorts the electoral process and renders it unfair from the outset.

vii. Prisoners in a very bad state of health

93. A number of NGOs have sent us a list of prisoners who are ill; in some instances, they are in very critical health (see appended list). Having submitted this list to the Minister of Justice, asking that serious consideration be given to these cases, which should be dealt with in a humanitarian way, my predecessor was disappointed to receive only a memorandum explaining how the prison medical service is organised, together with medical certificates for a few prisoners from the aforementioned list; these minimised considerably the seriousness of their cases. The above-mentioned list includes tuberculosis patients in the terminal phase, cardiac patients who have suffered several heart attacks, people with injuries (sustained *inter alia* during torture), diabetics, patients with serious kidney insufficiency, etc. In the cases examined above in this chapter of the report, we have indicated in numerous instances that the prisoner in question is ill or injured. I consider that the authorities should release these seriously ill individuals immediately, on humanitarian grounds. Too many political prisoners have already died in prison (see the appended list of such prisoners, composed of 50 names).

C. Conclusions

94. There can be no more doubt: there are, alas, political prisoners in Azerbaijan.

95. The Secretary General's experts have already confirmed 17 cases, of whom 11 have fortunately already been released. Six individuals who are unquestionably political prisoners remain in prison. The Parliamentary Assembly recognised them as such in January 2002.

96. The Azerbaijani authorities decided to hold new trials for the three prisoners who are considered symbolic and who were mentioned in the adhesion report (Doc 8748) in June 2000, namely MM Hamidov, Humbatov and Gaziyeu. Subsequently, Mr Hamidov was released by the decree of pardon of 29 December 2003.

97. Unfortunately, these trials of MM Humbatov and Gaziyeu, after having dragged on for two years, have resulted in judgments which are open to much criticism, also from a procedural point of view since they do not respect several rules governing fair trials as set out in the case-law of the European Court of Human Rights. The Assembly's wish, set out in paragraph 9 of Resolution 1272 (2002) of January 2002, by which the judicial investigation should be started again from scratch, has not been complied with. In the case of A. Gumbatov there was a repeat of the convictions given the first time. In such circumstances, it was pointless reopening the trials and the announced trials for the four pilot cases still in prison cannot be taken seriously. It should also be borne in mind that a retrial was originally planned only for R. Gaziyeu, sentenced to death in absentia.

98. The Azerbaijani authorities agreed to collaborate with the Secretary General's experts and to provide them with the necessary documentation to examine whether or not the 212 alleged political prisoners which remain, over and above the 23 cases already examined in 2001, also deserve to be recognised as political prisoners. Among them, 54 are currently under examination and 73 final opinions were already provided in 2004. The Azerbaijani authorities have also accepted the validity of the criteria drawn up by the experts and approved by the Assembly in January 2002. Implicitly, this is tantamount to accepting the experts' opinion in tangible cases.

99. The initial list of 716 alleged political prisoners, recently reduced to 212, is incomplete. Since it was compiled on 1 January 2001, the existence of other presumed political prisoners who were unfortunately overlooked has been discovered. This supplementary list should be added to the list of 212 prisoners, so that these cases can also be examined.

100. Since 1 January 2001, there have been fresh arrests and convictions, and according to the same NGOs who have been providing information to the Council of Europe for years, these include new cases of presumed political prisoners. Since the European Convention on Human Rights only entered into force in Azerbaijan from 15 April 2002, the experts would also have to examine all the new cases of presumed political prisoners which appeared between 1 January 2001 and 15 April 2002.

101. In the meantime, Azerbaijan should release all the political prisoners identified as such by the experts, and release all the other presumed political prisoners appearing on the list submitted to the experts and allow them to defend themselves freely in new trials, but only once there is a guarantee of a fair trial in Azerbaijan and once the judicial system operates in a way commensurate with a state governed by the rule of law.

102. Admittedly, through various decrees granting successive pardons and signed by the President on 13 March, 27 May, 28 October 2002, 11 February 2003, 17 June 2003, 26 August 2003 and 29 December 2003, 284 presumed political prisoners have been released since January 2002, which brings to 504 the number of presumed political prisoners who have been released since the Council of Europe took an interest in this question in the context of the report on Azerbaijan's accession. Nevertheless, the problem is still far from being resolved, since there remain less than 200 presumed political prisoners, and it would appear that in 2000, 2001, and 2002, or since the country joined the Council, cases involving new political prisoners have been fabricated by the authorities. For the Parliamentary Assembly, the emergence of these new cases is, if anything, even more intolerable than the discovery of the older cases.

103. In such a situation, Azerbaijan's presence within the Council of Europe is reaching a critical stage.

104. Indeed, through their continued imprisonment, various political figures are prevented from standing as candidates in elections. Consequently, they should be released immediately through an ad hoc amnesty.

105. Equally, due to threats of arrest, two political "exiles", MM A. Mutallibov and R. Guliyev have also been prevented from standing as candidates in the presidential election of 15 October 2003. Since they should be able to benefit from the presumption of innocence, the existing arrest warrants should be lifted and their freedom of movement in Azerbaijan guaranteed.

106. The member states of the Council of Europe and even those states which are not members of the Organisation need to exercise extreme caution when receiving any requests for the extradition of Azerbaijani citizens, as such requests may have hidden political motives, as seen above in the examples of the extradition of certain individuals sought in Turkey, Russia, Ukraine and Kazakhstan.

APPENDIX 1

AS/Jur (2002) 61

19 November 2002

ajdoc61.2002

Political prisoners in Europe

Criteria determined by the Secretary General's independent experts, Mr Stefan Trechsel, Mr Evert Alkema and Mr Alexander Arabadjiev, to identify the «political prisoners» in Armenia and Azerbaijan, adopted on 3 May 2001 and endorsed in Assembly Resolution 1272 (2002)

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Georges Clerfayt, Belgium, LDR

"A person deprived of his or her personal liberty is to be regarded as a "political prisoner":

- a. if the detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights and its Protocols (ECHR), in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association;
- b. if the detention has been imposed for purely political reasons without connection to any offence;
- c. if, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of;
- d. if, for political motives, he or she is detained in a discriminatory manner as compared to other persons; or,
- e. if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities.

The allegation that a person is a "political prisoner" must be supported by *prima facie* evidence; it is then for the detaining State to prove that the detention is in full conformity with requirements of the ECHR as interpreted by the European Court of Human Rights in so far as the merits are concerned, that the requirements of proportionality and non-discrimination have been respected and that the deprivation of liberty is the result of fair proceedings." ²

² As set out in document SG/Inf (2001) 34 of 24 October 2001.

APPENDIX 2

Doc SG/Inf (2003) 15 (appendix 1)

List of cases to be examined by the Independent Experts in the framework of their second mandate (as from April 2002)

Introductory remarks

The present list consists of 212 cases which are to be examined by the Independent Experts. It has been established on the basis of up-dated information concerning the list of '716' names, which has been provided to the Experts by the authorities of Azerbaijan and three Azerbaijan human rights NGOs in late 2002 and early 2003.

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
NN	Surname, Name, Patronymic	Case No in List of 716	Politi- cal affilia- tion	Date of ar- rest	<u>Sen- tenc e</u>	<u>CoE Secreta- riat</u> remarks provided on 20.03.02, 04.03.03 and <u>02.04.03</u>	Information attached to letters dated 27 May 2002* and 3 June 2002**, provided by the <u>authorities</u> * 'verifications of information' in cases of discrepancies, made by the authorities ** Dec ree on Pardon of 27 May 2002	Supplementary Information provided by Azerbaijan NGOs* on 19.07.2002 in cases where discrepancies had appeared (*Azerbaijan Foundation of Democracy Development and Human Rights Protection; Institute of Peace and Democracy; Human Rights Center of Azerbaijan.)	New Information provided by Azerbaijan <u>authorities</u> on 9.10.2002, 21.10.2002*, 12.11.2002 and 20.11.2002 * Decree on Pardon of 18 October 2002	Informa- tion/ comments provided by <u>NGOs</u> on 17.12. 2002, 26.12.02, 21.01.03, 25.01.03, 5.02.03, 19.02.03 and 26.03.03	Information/ Observations provided by the <u>authorities</u> in letters dated 8.01.2003, 10.01.03, 15.01.03, 16.01.03, 10.02.03 11.02.03*, 17.02.03* and 19.03.03 * Decree on Pardon of 11 February 2003
1.	Abbasov Ali Firuddin oglu	1	SH/ Nidjat	199 5	11		Under consideration				Under consideration

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
2.	Abbasov Elchin Nariman oglu	3	SH	1996	13	According to judgment No 2-217 dated 31 July 1996, he was commander of 3 rd sub-unit of military unit No 171 and organiser of an attack against the Dashkesa n Police office	Under consideration		RED +(unserved sentence reduced by half on 18 October 2002)		RED +
3.	Abbasov Ibrahim	6	AXCP	1994			NPP+				NPP+
4.	Abdulkerimov Azer Hasan oglu	14	OPON	1995	12		Under consideration				Under consideration
5.	Abdullayev Shamsi	22	OPON	2000?			Under consideration		IRR		IRR
6.	Abulov Nadir Shaban oglu (?)	24	Antsuk h.	1997	14		NGO?				NGO?

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
7.	Adygozalov Ibad	29	PG/AEP	1995	12		NPP+			Adygözalov Ibad <u>Qubad oğlu</u>	NPP+; 'Patronymic' [was] missing
8.	Agaverdiyev Ilqar Agayaddin oğlu	33	OPON	1995	10		REF				REF
9.	Agayev Ayaz Yunis oğlu	34	AXCP/Sharur	1994	13		RED+				RED +
10.	Agayev Fakhraddin Tahmaz oğlu (?)	35	?	1996	?		NGO?				NGO?
11.	Agayev Ismayil(?)	37	OPON	1995	8		NGO?			Agayev Ismayil <u>Bashir oğlu</u>	NGO?
12.	Ahmedov Bayram Yunis oğlu	43	AXCP	1996	12		IRR				IRR
13.	Ahmedov Enver Nadir oğlu	45	OPON / C-30	1995	10		NPP+				NPP+
14.	Ahmedov Fuad Murquz oğlu	46	OPON	1995	13		IRR				IRR
15.	Ahmedov Jamaladdin	47	ADP	1998	9		IRR			Ahmedov Djamaladdin <u>Khudush oğlu</u>	IRR
16.	Ahmedov Mahir(?)	49	Antsuk h.	1997			NGO?				NGO?
17.	Ahmedov Natiq Bakhlysh oğlu	51	OPON / C-30	1996	15		IRR				IRR

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
18.	Akberov Agasi	55	Rasul	200 0			IRR			Akberov Agasi <u>Aga</u> <u>oglu</u>	IRR; 'Patronymic' [was] missing
19.	Akberov Bayram	56	SH	199 4			RED+				RED +
20.	Akberov Rasim	60	Rasul	200 0			IRR			Akberov Rasim <u>Aga</u> <u>oglu</u>	IRR
21.	Akberov Tapdiq	61	SH	199 4		Akberov Tapdiq <u>Ibrahim</u> <u>oglu</u> (see judgment No 2-25 dated 17 April 1995)	IRR				IRR 'patronymic' [was] missing
22.	Akberov Tavakkul Sahladar oglu	62	OPON	199 5	14		IRR				IRR
23.	Alekberov Fuad Firuddin oglu	69	OPON	199 8	8		RED+ (on 27 May 2002)				RED +
24.	Alikhanov Azer Rustam oglu	74	OPON / C-30	199 6	11		IRR				IRR
25.	Alirzayev Maqsad Alirza oglu	76	OPON	199 5	15		Under consideration				Under consideration

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
26.	Aliyev Eldar	87	SH	199 4	Lifer		IRR			Aliyev Eldar Yusif (Usub) oglu, lifer in Gobustan prison	IRR
27.	Aliyev El Khan Chingiz oglu	88	OPON / C-30	199 6	7		Under consideration				Under consideration
28.	Aliyev Eyvaz Abbasali oglu	89	OPON	199 5	11	Further to the authorities ' request for clarification received on 19 March 2003, additional information is still being sought	Under consideration				Under consideration * * * request for clarification (19.03.03): no Aliyev Eyvaz Abbasali oglu in prison; Aliyev Eyvaz Telman oglu (OPON,1995), sentenced on 29 March 1996, was released on 27 December 1998
29.	Aliyev Ilqar Jafar oglu	94	SH	199 4			Under consideration				Under consideration
30.	Aliyev Jafar Rza oglu	97	SH	199 4			NPP+				NPP+

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
31.	Aliyev Mobud	101	SH/ Nidjat	199 4	13		IRR	released		Aliyev <u>Möbud</u> <u>Alimürsal</u> oglu	IRR
32.	Aliyev Sadykh Mikayil oglu	105	Terror	200 0	7y.9 m.		NGO??			Life imprisonme nt;in Gobustan prison	NGO??
33.	Aliyev Salman Adil oglu	108	SH	199 4	12		Under consideration				Under consideration
34.	Amiraslanov E'tibar (?)	131	Terror	199 6	14		NGO?				NGO?
35.	Amiraslanov Ilqar Samed oglu	133	OPON /Relati ve	199 5	12		IRR				IRR
36.	Asadov Teymur	136	AXCP	199 3	12	The name 'Asadov <u>Seymur</u> ' appears in a judgment dated 2 May 1995	no prisoner under this name	no prisoner under this name		Name misspelled; Asadov Seymur (not Teymur)	Under consideration
37.	Ashrafov Bilas (Bilal) Alas oglu	138	OPON	199 5	13		IRR				IRR
38.	Aslanov Khydyr	149	SH	199 7	14		IRR				IRR
39.	Azayev Eldar	153	Sadval	199 6	15		NPP+			Case related to cases No 170, 340, 349, 654 and 655	NPP+

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
40.	Babakhanov Intiqam Rahim oglu	158	SH	199 6?	8		NPP+				NPP+
41.	Babakishiev Vaqif	159	SH	199 4?			IRR				IRR
42.	Babayev Abil Suleyman oglu	160	AXCP	199 3	12		REF				REF
43.	Babayev Samir Abdulazim oglu	163	OPON	199 5	12		Under consideration				Under consideration
44.	Babayev Vuqar Bayram oglu	164	OPON	199 5	12		NGO??				NGO??
45.	Bagirov Enver Bagir oglu	166	AXCP/ Sharur	199 5	6		NPP+				NPP+
46.	Bakayev Rasim	170	Sadval	199 6	15	Bakarov Rasim Hadjimirza oglu is mentioned in judgment No 17, dated 18 March 1997 (case of 'Sadval' movement)	no prisoner under this name	in prison		Name possibly misspelled; could be Bakarov Rasim Hadjimirza oglu; alleged participatio n in attack in Qusar region in June 1993 by fighters of "Sadval" movement; trial in March	NPP +

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
										1997, sentenced to 15 years' imprisonment; case related to cases No. 153, 340, 349, 654 and 655	
47.	Bakhshaliyev K.	172	SH	1994			RED+			Bakhshaliyev v <u>Keyan Dialil oglu</u>	RED +
48.	Bakhtiyarov Huseyn Mahammad oglu	174	OPON	1995	11		NPP+				NPP+
49.	Bashev Ruslan	177	Sadval	1995?	15		no prisoner under this name	in prison		In a group of 'Sadval' members accused of setting an explosion in the Baku subway; sentenced on 4 May 1996; see newspapers "Azerbaijan" of 2 April 1996 and	NPP + Name misspelled: should be <u>Baghiyev Ruslan Nagli oglu</u>

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
										<p>"Xalq qazeti of 8 May 1996; case related to cases No 625, 616, 673; see judgment of cases No 625 and 673;</p> <p>- Other related case: Mr Mahsimov [Mehsimov] Rahib Shaval oglu, in Gubustan prison (not included in the list of 716 due to false information on his death in 1998)</p> <p>***</p> <p>- Name</p>	

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
										misspelled: should be <u>Bagiyev</u> Ruslan <u>Nagi oglu</u>	
50.	Bayramov Elchin	178	OPON	199 5			Under consideration			Bayramov Elchin <u>Nazim oglu</u> (21.01.03)	Under consideration; 'Patronimic' [was] missing
51.	Bayramov Fuad Sovet oglu	179	OPON	199 5	12		RED+				RED +
52.	Bayramov Nazim Rauf oglu	181	SH	199 4	10		NPP+				NPP+
53.	Budaqov Elkhan	185	OPON	199 5	14		IRR				IRR
54.	Burjaliyev Burjali	186	PG	199 5			IRR			Burdjaliyev Burdjali <u>Cheshmali</u> <u>oglu</u>	IRR; 'Patronimic' [was] missing
55.	Burjaliyev E'tibar Ashraf oglu	187	OPON	199 5	14		NPP+				NPP+
56.	Djabiyev Samandar	191	AXCP	199 3	15		IRR				IRR
57.	Djafarov Djafar Mammed oglu	193	OPON	199 5	12	Further to the authorities ' request for clarification	Under consideration				Under consideration *** request for clarification

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
						received on 19 March 2003, additional information is still being sought					(19.03.03): no Djafarov Djafar Mammed oglu in prison
58.	Djafarov Rashad Agarza oglu	198	OPON	1995	11		IRR				IRR
59.	Djafarov Rovshan Vaqif oglu	200	OPON	1995	15		IRR			In prison No 1	IRR
60.	Djafarov Sardar Huseyn oglu	201	AXCP/Sharur	1994	12		RED+ (on 27 May 2002)				RED +
61.	Djafarov Vaqif Yemen oglu	203	OPON	1995	15		RED+				RED +
62.	Djalilov Elman Djalal oglu	207	SH	1994?			IRR				IRR
63.	Djalilov Ramiz Ismayil oglu	209	OPON	1995	15		IRR				IRR
64.	Emchiyev Rasul Nadjmeddin oglu	215	OPON / C-30	1996	8		IRR				IRR
65.	Eyyubov Namiq Abdulhuseyn oglu	218	OPON / C-30	1996	6		Under consideration				Under consideration

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
66.	Farzaliyev Rahim (Rashid) Hasan oğlu	219	OPON	199 5	13		RED+ (on 27 May 2002)				RED +
67.	Feyzullayev Irakli Aydin oğlu	222	SH	199 4?	12?		IRR				IRR
68.	Feyzullayev Ramin Aydin oğlu	223	SH	199 4?	12?		IRR				IRR
69.	Hadjiyev Bakhtiyar Hadjiverdi oğlu	227	TMMR	199 3			IRR				IRR
70.	Hadjiyev Jebrayil Hadjiverdi oğlu	230	TMMR	199 3			IRR				IRR
71.	Hadjiyev Mikayil Hadjiverdi oğlu	233	TMMR	199 3	12		IRR				IRR
72.	Hamidov Afqan Khan oğlu	238	OPON	199 5?	8		REF				REF
73.	Hamidov Sardar Medjid oğlu	241	IH/ Relativ e	199 7	11		IRR				IRR
74.	Hamidov Vaqif Meshediqara oğlu	242	SH/ Nidjat	199 4	15		NPP+				NPP+
75.	Hamzayev Firuiddin Nariman oğlu	243	SH	199 4			RED+ (on 27 May 2002)				RED +
76.	Hasanov Eldar Zeynalabdy oğlu	248	SH	199 4	10		RED+				RED +

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
77.	Hasanov Hasan Mahammad oglu	250	SH	199 4	14		IRR (in prison No 1)				IRR
78.	Hasanov Natiq Asaf oglu	255	OPON	199 5	10		NPP+				NPP+
79.	Hasanov Rasim Qazanfar oglu	258	PG?	200 0			Under consideration				Under consideration
80.	Hasanov Yusif Mirza oglu	260	AXCP	199 6	12		NPP+				NPP+
81.	Heydarov Mehman	263	OPON	199 5	12		IRR			Heydarov Mehman <u>Qasim oglu</u>	IRR
82.	Humbatov Sakhavat Veli oglu	266	OPON	199 5	8		IRR				IRR
83.	Huseynov Chingiz Nariman oglu	273	OPON	199 5	6		Under consideration				Under consideration
84.	Huseynov Elkhan	275	SH/ Nidjat	199 4	12	This person would appear to be 'Huseynov Elkhan <u>Komissar oglu</u> ', sentenced on 13 December	- "Several prisoners under this name." The authorities "would appreciate clarifications"; - classified by the authorities in the category 'no prisoner under this name'	in prison / not a repetition Huseynov Elkhan <u>Komisar oglu</u> in prison No 12		Huseynov Elkhan <u>Abdulla oglu</u> ; arrested in 1994 and sentenced on 13 December 1995 (case of 'Nidjat' Committee)	Huseynov Elkhan <u>Abdulla oglu</u> released ++ ; (the certificate refers to a judgment of the Supreme Court of 26 February <u>1996</u>)

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
						<p>1995 and convicted for common law charges;</p> <p>(It would appear that the NGOs mistook Huseynov Elkhan [Komissar oglu], sentenced on 13 December 1995 with Huseynov Elkhan Abdulla oglu [member of OPON], sentenced on 29 February 1996).</p>				<p>to 12 years' imprisonment ; see newspaper 'Azerbaijan' of 30 November 1994 and 20 December 1995; not a repetition of name of Huseynov Elkhan <u>Komissar oglu</u>, pardoned in August 2001</p>	<p>* * *</p> <p>3 judgments concerning persons named Huseynov [Elkhan]/[Ilham]:</p> <p>- judgment of Huseynov Elkhan Abdulla oglu, of <u>19 February 1996</u> (no judgment of 26 February 1996); former OPON member, <u>released</u> on 17 August 2001</p> <p>- judgment of Huseynov Ilham Abdulla oglu, of <u>19 December 1995</u>, 'Nijat Committee case',</p>

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
											released on 13 March 2002; - judgment of Hüseynov Elkhan Komissar oglu, of 13 December 1995; no relations with the 'Nijat Committee'; in prison No 2.
85.	Huseynov Fazil Zulfuqar oglu	277	OPON / Shams i	199 5			IRR				IRR
86.	Huseynov Mahmud Omur oglu	282	OPON	199 5	11		no prisoner under this name	in prison No 11		in prison No 11	Mr Huseynov Mahmud <u>Ömür</u> oglu is under consideration
87.	Huseynov Maqsud	283	SH	199 5?	Lifer		IRR			Huseynov Maqsud <u>Vaqif</u> oglu	IRR
88.	Huseynov Nail Ahmed oglu	284	OPON	199 5	11		RED+				RED +
89.	Huseynov Sahib Mammed oglu	291	AXCP	199 6	11		IRR				IRR
90.	Huseynov Tofiq Panah oglu	297	OPON	199 5	13		IRR		Under consideration		Under consideration

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
91.	Huseynov Vaqif	298	SH	199 5?	Lifer		IRR				IRR
92.	Ibrahimov Avaz Aydin oglu	302	OPON	199 5	15		IRR				IRR
93.	Ibrahimov Mahir Medjid oglu	305	OPON	199 5	15		NGO??				NGO??
94.	Isganderov Qambar Chingiz oglu	314	SH	199 4	14		NPP+				NPP+
95.	Ismayilov Aqil	316	SH	199 8		Ismayilov (Abbasov ?) Aqil, arrested on 28 June 1998 [source: HRCA]	Under consideration				Under consideration; 'Patronimic' missing
96.	Ismayilov Arzu	317	SH	199 4	11		IRR			Ismayilov Arzu <u>Aidar</u> <u>oglu</u>	IRR; 'Patronimic' [was] missing
97.	Ismayilov E'tibar Hamid oglu	320	OPON	199 5	12		IRR				IRR
98.	Ismayilov Fakhraddin Khalil oglu	322	SH	199 4	11	According to information available, Mr Ismayilov Fakhraddin Khalil oglu is born on 19 August 1951 and he is the former head of one of the	released ++			In prison No 9 (information received on 19.02.2003)	released ++; *** information being verified

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
						<p>police Departments of Gandja; he was arrested on 7 October 1994, tied from October to December 1997 by the Supreme Court of Azerbaijan and sentenced to 11 years' imprisonment under Articles 57, 57-1, 167 part 2 and 168 part 2 of the Penal Code; in 1998 he suffered from a serious form of tuberculosis necessitating treatment [source: Human Rights Center of Azerbaijan, List of prisoners (in Russian) dated 7.11.2000]. He was, reportedly, in Prison No 9</p>					

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
						in early February 2003 (see column XI)					
99.	Ismayilov Ilham Ca'di oglu	324	OPON / C-30	199 7	15		IRR				IRR
100.	Ismayilov Mehman Ismayil oglu	325	OPON	199 5	10?		Under consideration				Under consideration
101.	Ismayilov Ramiz	329	PG	199 5			Under consideration			Ismayilov Ramiz Ismayil oglu	Under consideration
102.	Ismayilov Ramiz Mikayil oglu	330	AXCP/ Sharur	199 4	15		NPP+		RED +(unserved sentence reduced by half on 18 October 2002)		RED +
103.	Ismayilov Rashid (?)	331	SH	199 5			NGO?				NGO?
104.	Israfilov Eldar Yaqub oglu	335	SH	200 0			IRR				IRR
105.	Israfilov Israfil Sultan oglu	337	OPON	199 5	12	This name appears in the judgment No 12 of 3 June 1996	- "Several prisoners under this name." The authorities "would appreciate clarifications"; - classified by the authorities in the category 'no prisoner under this name'	in prison / not a repetition		Arrested in March 1995, sentenced on 21 May 1996; 'Case of 9 ^h Company of OPON'; the name	Under consideration

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
										could be misspelled (written by trial observers); not a repetition of case No 336	
106.	Kalbiyev Umidvar	338	TMMR	1996	10		Under consideration				Under consideration
107.	Kasumov Asul	340	Sadval	1996	13	<u>Qasimov Asul Rasul oglu</u> appears in judgment No 17, dated 18 March 1997 (case of 'Sadval' movement)	no prisoner under this name	in prison		Case related to cases No 170, 153, 349, 654 and 655; see judgment of the 'Sadval' case	NPP+
108.	Kazymov Mubariz Yaqub oglu	344	OPON / relative	1995	12		IRR				IRR
109.	Kazymov Nail Shoveran oglu	345	RQ	1995	10		died	alive; in Gobustan prison; has still a few months to serve in prison; appeared at the retrial of R. Gaziye in June	Alive (information provided on 13 November 2002) REF		REF

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
								2002 as a witness.			
110.	Kerimov Azer	349	Sadval	1996	8	Kerimov Azer <u>Boris oglu</u> appears in judgment No 17, dated 18 March 1997 (case of 'Sadval' movement)	no prisoner under this name	no information		In prison No 11; case related to cases No. 170, 153, 340, 654 and 655	NPP+, 'Patronimic' [was] missing
111.	Kerimov Dayanat	350	OPON	1995,99	15		IRR				IRR
112.	Kerimov Djasur	351	SH/relative	1995			IRR				IRR 'patronimic' missing
113.	Kerimov Fazil Shamil oglu	355	AXCP	1996	12		IRR				IRR
114.	Kerimov Keramat Pasha oglu	358	SH/relative	1997	lifer		REF				REF
115.	Kerimov Zulfuqar Alekber oglu	363	TMMR	1993			IRR				IRR
116.	Khalilov Museyib	367	OPON	1996?	10		IRR				IRR
117.	Latifov Tehran Sabir oglu	374	Sheki	2000			Under consideration				Under consideration
118.	Maherramov Arif Rahman oglu	377	SH	1995	10		Under consideration				Under consideration

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
119.	Mahmudov Aliasaf (Al'asaf)	381	AH	1994	15		IRR				IRR
120.	Mahmudov Hamlet Talyb oglu	383	SH	1997			NPP+				NPP+
121.	Mahmudov Namiq Talyb oglu	384	SH/relative	1999?			NPP+				NPP+
122.	Mammedaliyev Sahib	386	AXCP	1993	Lifer		IRR				IRR
123.	Mammedov Adil Sabir oglu	389	OPON	1995	13		IRR				IRR
124.	Mammedov Ahmed Bahlul oglu	390	AXCP	1994?	14		NPP+				NPP+
125.	Mammedov Asger Hasan oglu	394	OPON	1995	10		Under consideration				Under consideration
126.	Mammedov Dashqyn	395	SH	1994			Under consideration				Under consideration
127.	Mammedov Djalal	396	PG	1995	12		Under consideration			Mammedov Djalal Feyzi oglu	Under consideration
128.	Mammedov Hamlet Aladdin oglu	403	OPON / C-30	1995	13		IRR				IRR
129.	Mammedov Ilqar Bazirkhan oglu	405	OPON	1995	13		Under consideration				Under consideration
130.	Mammedov Ilqar Uzeyir oglu	406	OPON	1995	11		Under consideration				Under consideration

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
131.	Mammedov Inqilab	407	SH	1997?	10		RED+ (on 27 May 2002)			Mammedov Inqilab Qiyas oglu	RED +
132.	Mammedov Rafiq Yashar oglu	417	OPON / C-30	1996	10		IRR				IRR
133.	Mammedov Saul	424	SH	1994			- "Several prisoners under this name." The authorities "would appreciate clarifications"; - classified by the authorities in the category 'no prisoner under this name'	in prison No 12		Mammedov Saul Abbas oglu - sentenced for participation in the October coup in Gandja in 1994, related to the 'Nidjat' Committee; well-known as person allegedly tortured during investigation; in prison No 11	Under consideration
134.	Mammedov Shahin Alisimiran oglu	426	OPON	1995	12		NGO?				NGO?
135.	Mammedov	435	SH	199			Under consideration				Under

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
	Zahid Farhad oglu			4							consideration
136.	Mammedov Zavur	438	SH	1999			Under consideration			Mammedov Zavur <u>Tofiq oglu</u>	Under consideration
137.	Melikov Avtandil	444	SH	1996	13		IRR			Melikov Avtandil <u>Telman oglu</u>	IRR; 'Patronymic' [was] missing
138.	Mikayilov Djeyhun	448	AXCP	1993	12		NPP+				NPP+
139.	Mirzayev Saday Mammedali oglu	450	SH	1996?			IRR				IRR
140.	Mirzoyev Faiq Agakhan (?)	452	AH	1995	12		NGO?				NGO?
141.	Mukhtarov Fazil Famil oglu	459	OPON	1995	13		IRR				IRR
142.	Mukhtarov Tahmaz	461	SH	1995?			IRR			Mukhtarov Tahmaz <u>Nadir oglu</u>	IRR
143.	Muradov Eldar Elshad oglu	462	SH	1994	10		Under consideration				Under consideration
144.	Mustafayev Elshad	474	SH	1995?	Lifer		IRR				IRR
145.	Mustafayev Hasan	475	OPON	2000?			IRR			life imprisonment, now in Gobustan	IRR

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
										prison	
146.	Mustafayev Maqsad	476	SH	199 5?	Lifer		IRR			Mustafayev Maqsad Teyyub oglu	IRR
147.	Nabiyev Ilham Ershad oglu	487	OPON	199 5	10		Under consideration				Under consideration
148.	Nagiyev Elkhan Tahir oglu	496	SH/ Nidjat	199 4	14		IRR		RED +(unserved sentence reduced by half on 18 October 2002)		RED +
149.	Naibov Taleh Ibrahim oglu	501	OPON	199 7	7		Under consideration			In prison No 9	Under consideration
150.	Novruzov Amin Orudj oglu	507	SH/ Nidjat	199 4	12		NPP+				NPP+
151.	Novruzov Ibrahim Hasan oglu	508	AXCP	199 6	13		NPP+				NPP+
152.	Nuraliyev Samir	510	OPON / Relative	199 6			IRR				IRR
153.	Omarov Valeh Madat oglu	514	OPON	199 5	13		IRR				IRR
154.	Pashayev Mazahir Mahammad oglu	519	OPON	199 5	11?		NGO??				NGO??
155.	Poladov Safa Alim oglu	523	OPON / C-30	199 6	lifer		IRR				IRR
156.	Qadimov Javanshir Seyfeddin oglu	525	OPON	199 5	15		IRR				IRR

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
157.	Qafarov Aslan Beybala oglu	527	OPON / C-30	1996	10		IRR				IRR
158.	Qarayev Aqil Soltan oglu	533	SH	1994	11		Under consideration				Under consideration
159.	Qasimov Asad Ismayil oglu (?)	537	OPON	1995	9		IRR	no information		Misspelled 'Patronimic' Real 'Patronimic' is <u>Ramazan</u> oglu (Qasimov Asad <u>Ramazan</u> oglu) In prison No 11	Mr Qasimov Asad <u>Ismayil</u> oglu was sentenced on 10 January 1996 by the Baku City Court to 9 years' imprisonment [...] for "domestic crimes and, therefore could hardly be alleged to be 'political prisoner'" (see letter dated 10 January 2003) * * * Qasimov Asad Ramazan oglu (name previously

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
											misspelled by NGOs), sentenced on 1 June 1998.
160.	Qasimov Geray Imran oglu	540	SH/ Nidjat	199 9	11		Under consideration				Under consideration
161.	Qasimov Oleq	543	SH	199 9?			IRR				IRR
162.	Qasimov Teyyub Saleh oglu	546	OPON	199 5	10		NPP+				NPP+
163.	Qasimov Tofiq	547	OPON / Shams i	199 5			IRR			Qasimov Tofiq <u>Sahib oglu</u>	IRR 'patronimic' [was] missing
164.	Qayibov Intiqam	550	AXCP	199 3	lifer		IRR			Qayibov Intiqam <u>Yusif oglu</u>	IRR
165.	Qoshqarov Aytekin	554	SH	199 4	13		IRR				IRR
166.	Quliyev Elshan Mursal oglu	560	OPON	199 5	13		IRR				IRR
167.	Quliyev Firdousi	562	SH	199 4	12		IRR			Quliyev Firdoysi <u>Sakit oglu</u>	IRR
168.	Quliyev Fizuli Djavanshir oglu (?)	563	Terror	200 0			NGO?				NGO?
169.	Quliyev Kamran	566	OPON	199 5			IRR			Quliyev Kamran <u>Ali oglu</u>	IRR; 'Patronimic' [was] missing
170.	Quliyev Rza (?)	570	Rasul/ relativ e	199 8			IRR			Quliyev Rza <u>Sabir oglu</u>	IRR

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
171.	Quliyev Vidadi Heydar oglu	572	AXCP	199 4	14		RED+ (on 27 May 2002)				RED +
172.	Rahimov Akif Gulamaly oglu	581	OPON	199 5	8?		NPP+				NPP+
173.	Rahimov Elshan Djavanshir oglu	583	OPON	199 7	13		IRR				IRR
174.	Rahimov Faiq	584	SH	199 6?	11		IRR			Rahimov Faiq Feyruz oglu	IRR
175.	Rahimov Tahir Shahin oglu	588	OPON	199 5	12		IRR				IRR
176.	Ramazanov Avaz	590	TMMR	199 3	15	Pilot case No 12 (the independent experts lacked information on this case and therefore did NOT examine it)	- "Several prisoners under this name." The authorities "would appreciate clarifications"; -NPP	in prison; "Talish case"			NPP
177.	Ramazanov Shamsaddin Abakar oglu	591	SH	199 6	7		IRR				IRR
178.	Rasulov Elchin Qismet oglu	594	OPON	199 5	9		Under consideration				Under consideration
179.	Razimov Afqan Shammed oglu	597	OPON / C-30	199 6	11		IRR				IRR
180.	Rzayev E'tibar S. Oglu	608	AXCP	199 8	10		NPP+				NPP+
181.	Rzayev Maherram (?)	612	SH/ Nidjat	199 4	15	Prisoner tried on 13	No prisoner under this name	no information		Rzayev Maherram	IRR

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
						December 1995				Ibrahim oglu	
182.	Sadirov Yusif (?)	617	SH	1994	12		IRR			Sadirov Yusif Huseyn oglu	IRR
183.	Sadyqov Faiq Babakishi oglu	621	OPON / C-30	1996	8		IRR				IRR
184.	Sadyqzade Qurban	624	SH	1997	11		IRR			Sadyqzade Qurban Agabala oglu	IRR; 'Patronimic' [was] missing
185.	Safaraliyev Alfati	625	Sadval	1995?	15?		NPP+			related to cases No 177, 616, 673	NPP+
186.	Safarov Isabala Zafar oglu	626	OPON	1995	13		RED+				RED +
187.	Salakhov Arif Ajdar oglu	633	OPON	1995	12		RED+ (on 27 May 2002)				RED +
188.	Salmanov Qulamhuseyn Salman oglu	638	AXCP/ OPON	1996	11,5		IRR				IRR
189.	Sarabi Bakhtiyar (?)	641	ADP	1999			NGO?			Sarabi Bakhtiyar Rahman oglu	NGO?
190.	Shafiyev Adalat (Dadan) Ali oglu	644	AXCP ?	1998	11		IRR				IRR
191.	Shafiyev Qazanfar Ali oglu	646	AXCP	1996	13		IRR				IRR

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
192.	Shahmuradov Vidadi Orudj oglu	648	OPON	199 5	14		NGO??				NGO??
193.	Shahmuradov Yashar Khasay oglu	649	AXCP	199 3	Lifer		NPP+				NPP+
194.	Sheydayev Djamaladdin	654	Sadval	199 6?	13	Sheydayev Djamalad- din <u>Jadulla</u> <u>oglu</u> is mentioned in judgment No 17, dated 18 March 1997 (case of 'Sadval' movement)	NPP+			Case related to cases No 170, 153, 340, 349 and 655; see judgment of the case	NPP+ 'patronymic' [was] missing
195.	Sheydayev Elkhan	655	Sadval	199 6?	15	Sheyda ye v Elkhan <u>Jadullayev</u> <u>itch</u> appears in judgment No 17, dated 18 March 1997 (case of 'Sadval' movement)	NPP+			Case related to cases No 170, 153, 340, 349 and 654; see judgment of the case	NPP+ 'patronymic' [was] missing
196.	Shukurov Vuqar	657	OPON	199 5	13		NGO??				released ++ ("sent for

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
	Azizkhan oglu										compulsory medical treatment under strict observation in the mental hospital of the Ministry of health" (see letter dated 8.01.03); he will <u>not</u> serve the rest of his sentence after treatment
197.	Soltanov Soltan Shamil oglu	659	OPON	199 5	11		IRR				IRR
198.	Suleymanov Iftikhar	662	SH	199 4?			IRR			Süleymano v Iftikhar Kamil oglu	IRR
199.	Suleymanov Rasul Musa oglu	664	SH	199 5	11		NPP+				NPP+
200.	Suleymanov Suleyman	666	OPON	199 5	11		Under consideration			Süleymano v Süleyman Salim oglu	Under consideration
201.	Suleymanov Tahir Suleyman oglu	667	PG	199 5	13		NPP+				NPP+
202.	Tagiyev Ikram	673	Sadval	199 5?	15		NPP+			Tagiyev Ikram Seyfulla	NPP+

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
										oglu; case related to cases No 177, 625 and 616	
203.	Tahirov Aliyusif	676	OPON	200 0?			IRR				IRR
204.	Umarov Yusub Qasym oglu	680	OPON / C-30	199 6	6.5		NPP+				NPP+
205.	Veliyev Babek	684	OPON	199 5	15		IRR			Veliyev Babek Khanbaba oglu	IRR
206.	Veliyev Djeyhun Yaqub oglu	685	OPON	199 5	13		IRR				IRR
207.	Veliyev Raqif	688	OPON	199 6	13		Under consideration			Veliyev Raqif Basaret (Basharet) oglu	Under consideration
208.	Veliyev Shahin	689	OPON	199 5	13		RED+ (on 27 May 2002)			Veliyev Shahin Farman oglu	RED +
209.	Yagnaliyev Namiq Fikret oglu	692	OPON	199 5	14		Under consideration				Under consideration
210.	Yahyaev Nariman Yaman oglu	694	SH	199 4	10		Under consideration				Under consideration
211.	Yermolayev	700	OPON	199 5	12		IRR			<u>Yermakov</u>	IRR;

I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
212.	Oleg Zeynalov Zeynal	715	AM/SH	199 8			No prisoner under this name	no information		Oleg <u>Nikolayevic</u> Russian citizen, former member of OPON, sentenced to 12-years' imprison- ment and detained in prison No 11 Zeynalov Zeynal <u>Imampasha</u> <u>oglu</u>	'Patronymic' [was] missing IRR

APPENDIX 3

THE LIST OF INFIRM POLITICAL PRISONERS

1. Allahverdiev Ilgar Agayadin oglu (CASE №109)
2. Jafarov Rovshan Vagif oglu (CASE №131)

3. Shukurov vugar Azizxan oglu
4. Shaxmuradov Vidady Orujali oglu
5. Ragimov Taxir Shaxin oglu
6. Mamedov Asker Gasan oglu
7. Guseynov Tofiq Panax oglu
8. Ibrahimov Mahir Medjid oglu
9. Aliyev Zaxid Galibiyat oglu

10. Gumbatov Saxavat Veli oglu

11. Yangaliyev Namik Fikret oglu
12. Mamedov Adil Sabir oglu
13. Israfilov Israfil Sultan oglu
14. Akhmedov Enver Nadir oglu
15. Gamzayev Firudin Nariman oglu
16. Gamidov Iskender Mejid oglu

17. Dadashev Samir Rafiq oglu
18. Shirinov Aydin
19. Gasimov Farzali
20. Mehdizade Gafar Mammed oglu
21. Akperov Rasim Aga oglu

22. Guliyev Rza Sabir oglu
23. Gamidov Sardar Mejid oglu
24. Bayramov Nazim Rauf oglu
25. Akhmedov Rafael Movsum oglu

APPENDIX 4



Azerbaijan Federation of Human Rights ORGANIZATIONS

Azerbaijan Foundation of Democracy Development and Human Rights Protection, Center of Development Programs "EL", Committee of protection of the Oil Workers Rights, Human Rights Center of Azerbaijan, Institute of Peace and Democracy, Society of Humanitarian Researches

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INCOMPLETE LIST of political prisoners in Azerbaijan arrested before 01.01.2001, but omitted in the *List of 716* (January 01, 2004)

NN	Surname, Name, Patronimic	Political affiliation	Date of arrest	Sentence	Location
1.	Abyshev Vuqar Mahyaddin oglu	OPON	2000	4	
2.	Ahmedov E'tiram Latif oglu	Rasul	2000	?	
3.	Ahmedov Khanrza Ahmedali oglu	Rasul/Oil	2000	7	#12
4.	Ahmedov Rafael Movsun oglu	Rasul/Oil	2000	11	#16
5.	Ahmedov Shahin Shahadat oglu	OPON	1995		#11
6.	Ahmedov Tofiq Dadash oglu	Rasul/Oil	2000	8	
7.	Akhundov Tofiq Dadash oglu	Rasul/Oil	2000	8	#13
8.	Alekberov Mahmud Tahmasib oglu	OPON	1995	10	#7
9.	Alekberov Samir Qulu oglu	SH	1994	12	#2
10.	Aleskerov Ziyafet Arif oglu	SH	1994	13	#2
11.	Aliyev Ali Allahverdi oglu	OPON/C-30	1995		
12.	Aliyev Shahin Isa oglu	Rasul	2000		
13.	Aliyev Shaladdin	OPON	1995		#1
14.	Amirov Yusif	SH	1995	10	#14
15.	Avazov Ilqar Mahmud oglu	OPON	1995	8?	#6
16.	Babayev Hafiz Huseyn oglu	Rasul/Oil	2000	5	#13
17.	Bagirov Ulvan Afrasiyab oglu	Rasul/Oil	2000	7	#6

18.	Bakhshaliyev Qalib Telman oglu	OPON	1995	14	#12
19.	Djabiyev Samandar Hayyam oglu	AXCP/Qaranqush	1993	15	
20.	Djafarov Azer Fikret oglu	OPON/Komek	1995	9	#14
21.	Djafarov Djafar Sardar oglu	OPON	1995	10	#11?
22.	Eminbeyli Mayis Aydin oglu	SH	1994	10	#6
23.	Ganjaliyev Allahverdi Saarif oglu	OPON	2000	11	#9
24.	Hasanov Azad Maqsad oglu	OPON	1995	11	#2
25.	Hasanov Etibar Akber oglu	SH	1996	14?	#9
26.	Hasanov Ilqar Kirzali oglu	SH/Nidjat	1995	10	#11
27.	Huseynli Mehdi	Terror/Musavat	2000	10	
28.	Huseynov Djavid Qurban oglu	SH	1995	10	#2
29.	Huseynov Fedail Djalal oglu	SH/Nidjat	1994?	10	#11
30.	Isayev Asiman Ilyas oglu	OPON	1995	(??)	
31.	Isayev Hasham Alkhan oglu	OPON	1995	10	#7
32.	Ismayilov Israfil Rustam oglu	OPON	1995	11?	
33.	Kenqaliyev Allahverdi Arif oglu	OPON	2000?		#9
34.	Kerimov Aydin Rafiq oglu	SH	1994?	12	#11
35.	Kerimov Kamran Sultan oglu	Sadval	2000		QH
36.	Mahsimov Rahib Shaval oglu	Sadval	1994	Lifer	QH
37.	Mammedov Faiq Sureddin oglu	SH/Nidjat	1994?	7	#13
38.	Mammedov Natiq Seyran oglu	OPON	1995	11	
39.	Mammedov Tahir Mammed oglu	SH	1994	7	#13
40.	Mirzoyev Djanmirza	DjM/OPON	2000	8	#9
41.	Mirzoyev Ilham Ali oglu	OPON	1995	10	#7
42.	Pashayev Teymur Numayende oglu	SH/Nidjat	1995	12	#11
43.	Qarayev Rauf Mammed oglu	Rasul/Oil	2000	7	#14
44.	Qasimov Arzu Adil oglu	SH	1995	12	#7
45.	Qasimov Asad Ramazan oglu	SH	1997?	8	#11
46.	Qasimov Fikret Ali oglu	SH	1996	10	#14
47.	Quliyev Etibar Telman oglu	RQ/ADP	1999	7	#10
48.	Qurbanov Ajdar Faraj oglu	SH	1994?	10	#11
49.	Qurbanov Tahmiraz Gomard ogli	OPON			#17
50.	Rustamov Eldar Hasan oglu	Rasul	2000		
51.	Rustamov Firdovsi Isa oglu	Rasul	2000		
52.	Rustamov Rahman Musa oglu	OPON	1995		#11
53.	Sharifov Namiq Qadimali oglu	OPON	2000	11	#9
54.	Sharifov Zakir Nizami (Nazim) oglu	Sadval	1995	15	
55.	Veliyev Mammed Akber oglu	Rasul/Oil	2000	12	#16
56.	Yunusov Sabir Isamuddin oglu	Sadval	1995	15	

57.	Zohrabov Mazdan Seyfal oglu	Sadval	1995	15
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The names of prisoners are listed as : Surname Name Patronimic (with 'oglu')

EXPLANATIONS

?	Unreliable information
(?)	Doubt in political character of arrest
(??)	Probably, released from detention
#1, SI-1	Correction Labor Institution #1, Investigation Isolator #1, etc.
QH	Qobustan Prison
ADP	Member of Azerbaijan Democratic Party
AM	Supporter of ex-President Ayaz Mutallibov
A XCP	Member or supporter of Party of Popular Front of Azerbaijan
C-30	Case of thirty people (Elchin Amiraslanov & others)
DjM	Case of Djanmirza Mirzoyev
Komek	Case of Cooperative enterprise "Komek" founded by former OPON members
MQ-MD	Alleged plot of former prosecutors Mammed Quliyev and Mahir Djavadov
Musavat	Opposition "Musavat" Party
Nidjat	Charitable Committee of "Nidjat"
Oil	Case of employees of the State Oil Enterprise "Azerneftiyag" related to the ex-Chairman of Parliament Rasul Quliyev
OPON	Mutiny of the Special Police Unit in March 1995
PG	"Plot of Generals" (1995)
Qaranqush	Case of voluntary intelligence unit "Qaranqush" in Qubadli region
Rasul	Supporter of ex-Spokesperson of Parliament Rasul Quliyev
Relative	Person probably arrested because of his family relation with arrested politician
RQ	Supporter of ex-Minister of Defense Rahim Qaziyev
SH	Supporter of ex-Premier Suret Huseynov
Sadval	Member of Lezgin National Movement "Sadval" (Unity)
Terror	Act of individual political terror

The list had been compiled at the basis of criteria elaborated by experts of Council of Europe.

APPENDIX 5



Azerbaijan Federation of Human Rights ORGANIZATIONS

Azerbaijan Foundation of Democracy Development and Human Rights Protection, Center of Development Programs " EL", Committee of protection of the Oil Workers Rights, Human Rights Center of Azerbaijan, Institute of Peace and Democracy, Society of Humanitarian Researches

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ipd@online.az

INCOMPLETE LIST of alleged political prisoners in Azerbaijan arrested after January 01, 2001 (January 1, 2004)

NN	Surname, Name, Patronimic	Political affiliation	Date of arrest	Sentence	Location
1.	Abbasov Latif Qurban oglu	MQ-MD	2001	14	
2.	Abbasov Nazim	Mojahed	2002	4.5	
3.	Abdullayev Nadir Samed oglu	MQ-MD	2001	7	
4.	Akberov Novruz Mammed oglu	MQ-MD	2001	8	
5.	Aliyev Emin	Mojahed	2001		
6.	Aliyev Farruh Hasan oglu	MQ-MD/Relative	2001	14	
7.	Aliyev Ramil	Mojahed	2002	5.5	
8.	Aliyev Ziyafet	OPON	2001		
9.	Allahverdiyev Eldar	AM	2001	9	
10.	Asgarov Tariel	Mojahed	2003		
11.	Ashrafov Djusid (Yusif) Alas oglu	OPON/C-30	2001	5	#6
12.	Babayev Alirza	Mojahed	2001	4	
13.	Babayev Feyruz	Mojahed	2003		
14.	Behbudov Ramiz Mohammed oglu	MQ-MD	2001	8	
15.	Budaqov Ahmed	Mojahed	2002	5	
16.	Djavadov Djeyhun (?)	Mojahed	2001		
17.	Hasanov Djavanshir	OPON	2001		

18.	Hasanov Hanif	AM	2002	1.5	
19.	Ibrahimov Shamil Mahamahasan oglu	MQ-MD	2001	13	
20.	Kungurova Faina	ADP (w)	2002	3	Hosp.
21.	Mammedov Asker (?)	MQ-MD	2001		
22.	Mammedov Ismayil Veli oglu	MQ-MD	2001	13	#1
23.	Mammedov Mammed	Mojahed	2001		
24.	Mammedov Parviz Mammed oglu	MQ-MD	2001	14	
25.	Mammedov Qambar	Mojahed	2002	4.5	
26.	Mammedov Ramil	Mojahed	2002	5	
27.	Misirkhanov Azer	Mojahed	2001	5	
28.	Muradov Farhad Ahmedovich	AM	2001	5	
29.	Mustafayev Djamal Zulfuqar oglu	AM	2001	6	
30.	Mustafayev Djeyhun	OPON-C30	2001		
31.	Mustafayev Rashid	Mojahed	2001	5	
32.	Namazov Huseyn	Mojahed	2002	4	
33.	Novruzbeyov Elkhan	Mojahed	2002	5	
34.	Nurullayev Fuzuli	Mojahed	2002	4.5	
35.	Qahramanov Adil Soltan oglu	AM	2001	10	
36.	Qaniyev Islam	Mojahed	2002	5	
37.	Quliyev Bayram Telman oglu	Rasul/relative	2001		
38.	Ramazanov Hafiz	Mojahed	2003		
39.	Rzayev Alekber (?)	Mojahed	2001		
40.	Sadiqov Djeyhun	Mojahed	2002	4	
41.	Sadyqov Rufat (?)	Mojahed	2001		
42.	Safarov Tahir	Mojahed	2002	4	
43.	Safiyev Tahir Ahmed oglu	AM	2001	8	
44.	Sonmez Sirma Kamil qizi (?)	PKK (TR) (w)	2000	5,5	#4
45.	Sultanov Nizami Qubashax oglu	Adalat	2002		
46.	Tagiyev Rasim Qurban oglu	MQ-MD	2001	10	
47.	Velibeyov Kabir	Mojahed	2002	5	
48.	Yaqubov Elmir (?)	Mojahed	2001		
49.	Yolchuyev Mobil Musleddin o.	MQ-MD	2001	14	
50.	Yusifov Azer	Mojahed	2002	4.5	
51.	Ziyadov Alik Maherram o.	MQ-MD	2001	7	

The names of prisoners are listed as : Surname Name Patronimic (with 'oglu')

EXPLANATIONS

?	Unreliable information
(?)	Doubt in political character of arrest

(??)	Probably, released from detention
(w)	Woman
(TR)	Citizen of Turkey
#1, SI-1	Correction Labor Institution #1, Investigation Isolator #1, etc.
Hosp.	Central Prison Hospital
QH	Qobustan Prison
Adalat	Member of opposition "Adalat" Party
ADP	Member of Azerbaijan Democratic Party
AIP	Member of Islamic Party of Azerbaijan
AM	Supporter of ex-President Ayaz Mutallibov
BKB	Member of Union of Baku and Villages (Baki ve Kendler Birliyi)
C-30	Case of thirty people (Elchin Amiraslanov & others)
Komek	Case of Cooperative enterprise "Komek" founded by former OPON members
MQ-MD	Alleged plot of former prosecutors Mammed Quliyev and Mahir Djavadov
OPON	Mutiny of the Special Police Unit in March 1995
PKK	Supporter of Kurdish Labour Party (PKK)
Rasul	Supporter of ex-Spokesperson of Parliament Rasul Quliyev
Relative	Person probably arrested because of his family relation with arrested politician
Mojahed	Azeri citizen allegedly trained in Georgia to participate in Chechnya guerilla

The list had been compiled at the basis of criteria elaborated by experts of Council of Europe.

APPENDIX 6

Human Rights Center of Azerbaijan

1 50, Bashir Safaroglu Str. (for mailing: P.O. Box 31), Baku 370000, Azerbaijan Republic
Tel./fax 994-12-977026, e-mail: eldar@azeurotel.com ; http: \members.tripod.de/politzek\

COMPLETE LIST

of political prisoners died in detention (June 15, 1993 to Mar 25, 2002)

No. Surname, Name, Patronimic Affiliation Arrest Death Cause

1. Ahmedov Vidadi Bayram oglu ~SH 1 994 ? ?
2. Ahmedov Natiq AXCP 1 993 05.12.95 'Illness
3. Aliyev Aypara Nasreddin oglu SH/ASDP 07.10.94 22.10.95 Illness
4. Aliyev Eichin Qaraoglan oglu OPON 1 995 1 8.09.0_0 Illness
5. Aliyev Rafaddin Rahman oglu TMMR 08.93 Illness
6. Aliyev Telman Dilenchi oglu OPON/C-30 1 995 ? ?
7. Aliyev Yusif Suleyman oglu A CP 1 994 01.06.01 Illness
8. Alyyev Vuqar Samed oglu OPON 1995 ? ?
9. Asadov Rovshan Aydin oglu Qaranqush 1 993 29.01.96 Illness
10. Asadullayev ilham Saleh oglu TMMR 1 993 1995 Illness
11. Askerov Samandar Maherram oglu SH/relative 1 996 09.00 _Illness
12. Azimov Nadir Bahram oglu RQ/SH 1 994,97 21.09.00 ?
13. Azizov Tahir OPON 1995 ?
14. Babayev Seyral AM 05.11.95 1 9.1 1.95 Illness
15. Bagiyev Ruslan Nagi oglu Sadval/AXCP 1995 ?
16. Bakhshaliyev Fai Eynulla oglu OPON/PG 1995 07.01.99 Killed
17. Budaqov Nusret Qasim oglu SH 05.95 1 0.07.95 Torture?
18. Djafarov Shahmardan Mahammad oglu Musavat 1 7.06.95 29.06.95 Wound
19. Huseynov Abulfaz Ajdar oglu SH/Nidjat 1 997 ? ?
20. Huseynov Fatulla AXCP 1 994 ? ?
21. Huseynov Nariman Mukhtar oglu SI31 99_5? ? ?
22. Huseynov Ramiq 2-Huseyn oglu SH7Nidjat19942002?
23. Ibadov Valiahd Valiaga oglu PG 1995 07.01.99 Killed
24. Mammedov Islam (?) Antsukh. 1 996 1 999 Illness?
25. Mammedov Naib Bahadur oglu TMMR 08.1993 2.01.1998 Illness
26. Mammadov Yashar Sabir oglu OPON/PG 1 995 07.01.99 Killed
27. Muradov Kamran Aganasib oglu AXCP/OPON 1 995 ?
28. Musayev Vahid Abdula oglu PG 1993,95 07.01.99 Killed
29. Nagiyev Elman Tahir oglu SH 1 994 1 995? Illness? _
30. Nasirov Azim TMMR 08.93 1 995 Illness
31. Novruzov Mehman OPON 1995? ? ?
32. Novruzov Novraz AXCP 1 993 06.02.95 Illness
33. -Orudjov Elkhan Sadval 1 995 2002 ?
34. Qaziyev Djovdat Shahid oglu Sheki 2000 27.02.02 Illness
35. Quliyev Mehbaly Nunillah oglu SH/Nidjat 1995 ? ' ?
36. Quliyev Shamsi I-lamza glu OPON? 1 995? 1 997 ?
37. Quliyev Tarikh Qeybullay oglu AM 11.95 1 0.99 Illness?
38. Qurbanov Natiq RQ 12.93? 25.05.94 Illness?
39. Rustamov Hadly Nedji oglu OPON 1 996 . 2000 TB
40. Rzayev Bahram Mammedrza oglu PG 1998 1 0.10.00 Illness
41. Rzayev Yaqub ("Qatir Mammed") AXCP 1993 1 6.07.93 Illness_?"
42. Safarov (Safarov) Sulhaddin- Sadval 1 995 ? ?

43. Selimov Sultan Kerim oglu y' OPON 2000 1.0 .Q11 Illness
44. Shafiyev Azad Niyazi oglu OPON 1 995 ? ?
45. Sharifov Sharif OPON 1995? ? ?
46. Suleymanov Telman Saradjuddinovich Sadval 1995 08.12.96 Torture?
7. Tagiyev azail Adalat 2001 02.2002 Illness
48. Tagiyev Shamistan Beyistan oflu OPON 1 995 ? ?
49. Ziyarov Mubariz Narir oglu Sadval 1 995 ? ? ^.
50. Bagiyev Ruslan Sadval ? 1995 ?

List of former political prisoners

who died after their liberation from detention

List compiled by the Federation of Human Rights Organizations

No. Surname, Name, Patronimic Affiliation Arr./Lib. Death Cause

1. Hadjiyev Sa utay AEP 1 995/1998 2001 Illness
2. Quliyev Hadji Qablaga AIP 1996 1996 1996 Illness

APPENDIX 7

Azərbaycan İnsan Hüquqları
Müdafiə Təşkilatlarının
Federasiyası



Azerbaijan Federation of
Human Rights
Organization

Azerbaijan Foundation of Democracy Development and Human Rights Protection, Center of Development Programs "EL", Committee of protection of the Oil Workers Rights, Human Rights Center of Azerbaijan, Institute of Peace and Democracy, Society of Humanitarian Researches.

Baki-370014, Şəmsi Bədəlbəyli küç.38-2 - Shamsi Badalbeily str.38-2 Baku.370014
Tel: 941458; Fax: 330261; Email: rena2@artel.net.az; eldar@azeurotel.com

**List of prisoners who are in prison as political prisoner but are not
in the of 716 accepted by the Council of Europe
(December 5, 2003)**

NN	Surname, Name, Patronimic	Political affiliation	Date of arrest	Sentence	Location
1.	Abbasov Latif Qurban o.	MQ-MD	2001		
2.	Abdullayev Nadir Samed o.	MQ-MD	2001		
3.	Abyshev Vuqar Mahyaddin oğlu	OPON	2000	4	
4.	Agayev Qarib Asgar oğlu	AXCP	?	11	
5.	Ahmedov E'tiram Latif oğlu	Rasul	2000	?	
6.	Ahmedov Rafael Movsun oğlu	Rasul/Oil	2000	11	
7.	Ahmedov Shahin Shahadat oğlu	OPON	1995	13	#11
8.	Akberov Novruz Mammed o.	MQ-MD	2001		
9.	Akhundov Agaseyidmahammad Mirabdulqani oğlu	AM	1995	8	QH
10.	Allakhverdiev Eldar Yavar oğlu	AM/ new	2001	9	
11.	Alekberov Mahmud Tahmasib oğlu	OPON	1995	10	#7
12.	Alekberov Samir Qulu oğlu	SH	1994	12	#2
13.	Aleskerov Ziyafet Arif oğlu	SH	1994	13	#2
14.	Aliyev Ali Allahverdi oğlu	OPON/C-30	1995		
15.	Aliyev Farruh Hasan o.	MQ-MD/Relative	2001		
16.	Aliyev Shaladdin	OPON	1995		#1
17.	Aliyev Shahin Isa oğlu	Rasul	2000		
18.	Aliyev Ziyafet	OPON	2001		
19.	Alyyev Asif Aslan oğlu	OPON	1995	(??)	
20.	Amirov Yusif	SH	1995	10	#14
21.	Ashrafov Djusid (Yusif) Alas oğlu	OPON/C-30	2001	5	#6
22.	Bagirov Ulvan	Rasul/Oil	2000	7	
23.	Bakhshaliyev Qalib Telman oğlu	OPON	1995	14	#12
24.	Behbudov Ramiz Mohammed o.	MQ-MD	2001		
25.	Djafarov Azer Fikret oğlu	OPON	1995		#14
26.	Eminbeyli Mayis Aydin oğlu	SH	1994	10	#6

27.	Ganjaliyev Allahverdi Saarif oglu	OPON	2000	11	#9
28.	Hamidov Sardar Medjid oglu	IH/Relative	1997	11	#3
29.	Hasanov Azad Maqsad oglu	OPON	1995	11	#2
30.	Hasanov Djavanshir	OPON	2001		
31.	Hasanov Etibar Akber oglu	SH	1996	14?	#9
32.	Hasanov Ilqar Kirzali oglu	SH	1994?	10	#11
33.	Huseynli Mehdi	Terror/Musavat	2000	10	
34.	Huseynov Azer	OPON	1996		#6
35.	Huseynov Djavid Qurban oglu	SH	1995	10	#2
36.	Huseynov Fedail Djalal oglu	SH/Nidjat	1994?	10	#11
37.	Ibrahimov Shamil	MQ-MD	2001		
38.	Ibrahimov Ulfat (Rufat) Ilyas oglu	OPON	1999	4	#9
39.	Isayev Hasham Alkhan oglu	OPON	1995	10	#7
40.	Ismayilov Azer Akif oglu	OPON	1995	10	#9
41.	Ismayilov Israfil Rustam oglu	OPON	1995	11?	
42.	Kenqaliyev Allahverdi Arif oglu	OPON	2000?		#9
43.	Kerimov Aydin Rafiq oglu	SH	1994?	12	#11
44.	Kerimov Elshad Shamil oglu	SH/Nidjat	1995	10	#1
45.	Kerimov Ilyas Mazahir oglu	OPON	1995	12(??)	
46.	Kerimov Ismayil Mammedtagi oglu	AXCP	1994?	9(??)	
47.	Khalikov Bahadur	OPON	?	?	QH
48.	Khashalov Elchin Aly oglu (?)	OPON	1995?	12?	#7
49.	Khungurova Faina	ADP	2002	3	#4
50.	Mammedov Asker (?)	MQ-MD	2001		
51.	Mammedov Faiq Alik? oglu	AXCP	1995?	9(??)	
52.	Mammedov Faiq Sureddin oglu	SH/Nidjat	1994?	7	#13
53.	Mammedov Fakhreddin Gulush oglu (?)	OPON	1995	8	#6
54.	Mammedov Hamlet Shamil oglu	AXCP	?	11	
55.	Mammedov Ismayil Veli o.	MQ-MD	2001		
56.	Mammedov Natiq Seyran oglu	OPON	1995	11	
57.	Mammedov Parviz Mammed o.	MQ-MD	2001		
58.	Mammedov Tahir Mammed oglu	SH	1994	7	#13
59.	Masimov Vuqar Movsum oglu	SH	1995	12	#11
60.	Mehdiyev Hadjiaga Agakerim oglu	AMIP	2001	1.5	
61.	Mirzoyev Djanmirza	DjM/OPON	2000	8	#9
62.	Mirzoyev Ilham Ali oglu	OPON	1995	10	#7
63.	Mirzoyev Rafiq Suleyman oglu	OPON	1995	(??)	
64.	Muradov Farhad Yavar ogli	AM/new	2001	5	
65.	Mustafayev Djamil Ahmed ogli	AM/new	2001	6	
66.	Mustafayev Djeynun	OPON-C30	2001		
67.	Pashayev Teymur Numayende oglu	SH/Nidjat	1995	12	#11
68.	Qahramanov Adil Soltan ogli	AM/new	2001	10	#9
69.	Qasimov Arzu Adil oglu	SH	1995	12	#7
70.	Qasimov (Kasimov) Fikret Ali oglu	SH	1996	10	#14
71.	Quliyev Bayram Telman oglu	Rasul/relative	2001		
72.	Quliyev Etibar Telman oglu	ADP	1999	7	#10
73.	Qurbanov Ajdar Faraj oglu	SH	1994?	10	#11
74.	Qurbanov Tahmiraz Gomard ogli	OPON			#17
75.	Rustamov Eldar Hasan oglu	Rasul	2000		
76.	Rustamov Firdovsi Isa oglu	Rasul	2000		

77.	Rustamov Rahman Musa oglu	OPON	1995	13	#11
78.	Safiev Tahir Ahmed ogli	AM/new	2001	8	
79.	Sharifov Narmiq Qadimali oglu	OPON	2000	11	#9
80.	Shirinov Aydin Mahammad oglu	OPON/Relative	2000	8	#2
81.	Shyklarov Rovshan Tofiq oglu	OPON	1995	(??)	
82.	Sultanov Sultan Shamil oglu	OPON	1995	11	
83.	Sultanov Nizami Qubashax oglu	Adalat party	2002		
84.	Tagiyev Rasim Qurban oglu	MQ-MD	2001		
85.	Veliyev Mammed Akber oglu	Rasul/Oil	2000	12	
86.	Yermakov Oleg Nikolayevich	OPON (RU)	1995	12	#11
87.	Yolchuyev Mobil Musleddin o.	MQ-MD	2001	15	#15
88.	Ziyadov Alik Maherram o.	MQ-MD	2001		

The names of prisoners are listed as : Surname Name Patronimic (with 'oglu')

EXPLANATIONS

?	Unreliable information
(?)	Doubt in political character of arrest
(??)	Probably, released from detention
(RU)	Citizen of Russian Federation
(TR)	Citizen of Turkey
(UA)	Citizen of Ukraine
ADP	Member of Azerbaijan Democratic Party
Agdash	Participant of protest action of population of Agdash region in January 2001
AH	Supporter of leader of Talysh separatists (1993-1995) Alakram Hummatov
AM	Supporter of ex-President Ayaz Mutallibov
AMIP	Opposition Party of National Independence of Azerbaijan
AXCP	Member or supporter of Party of Popular Front of Azerbaijan
Boz Qurd	Member of Azerbaijan National-democratic Party "Boz Qurd" ("Gray Wolf")
C-30	Case of thirty people (Elchin Amiraslanov & others)
ChTP	"Chagdash Turan" (Modern Turan) Party
DGI	Democratic Youth Union (majority of young OPON fighters)
	Case of disorders in Djalilabad on November 18, 2000
	Case of Djanmirza Mirzoyev
	Case of Cooperative enterprise "Komek" founded by former OPON members
	Alleged plot of former prosecutors Mammed Quliyev and Mahir Djavadov
Musavat	Opposition "Musavat" Party
Nidjat	Charitable Committee of "Nidjat"
Oil	Case of employees of the State Oil Enterprise "Azorneftiyag" related to the ex-Chairman of Parliament Rasul Quliyev
OPON	Mutiny of the Special Police Unit in March 1995 "Plot of Generals" (1995)
Rasul	Supporter of ex-Spokesperson of Parliament Rasul Quliyev
Relative	Person probably arrested because of his family relation with arrested politician
RQ	Supporter of ex-Minister of Defense Rahim Qaziyev
SH	Supporter of ex-Premier Suret Huseynov
Shamsi	Case of terror act against high official Shamsi Rahimov
Sharur	Participant of opposition armed group in Sharur region suppressed in August 1994

Sheki	Case of mass protest action in Sheki 18.11.2000
TMMR	Supporter of self-proclaimed "Talysh Mugan Autonomous Republic" (1993)
QH	Qobustan Prison
#1, SI-1	Correction Labor Institution #1, Investigation Isolator #1, etc.

Murad and Rena Sadaddinovs
Azerbaijan Foundation of Democracy Development and Human Rights Protection
 Elmira Alekberova,
Center of Development Programs "EL"
 Mirvari Qahramanli,
Committee of Protection of Oil Workers' Rights
 Eldar E. Zeynalov,
Human Rights Center of Azerbaijan
 Leyla Yunus,
Institute of Peace and Democracy

APPENDIX 8

17 FEBRUARY 2003

JOINT WORKING GROUP ON THE IMPLEMENTATION OF RESOLUTION 1272 (2002) ON POLITICAL PRISONERS
IN AZERBAIJAN

**Programme for the visit of members of the JWG to Azerbaijan
(10-14 February 2003)** (Tel.: +994 12 981234; Fax: +994 12 980817)

Monday 10 February 2003

23.25 **ARRIVAL OF FLIGHT BA 6725. TRANSPORTATION TO HOTEL HYATT REGENCY
BAKU (BAKIKHANOV STREET, 370065 BAKU)**

Tuesday 11 February 2003

08.00 Meeting of the delegation at the Hyatt Regency

08.30 Working breakfast with a number of selected NGOs at the Hyatt Regency

10.00 Departure for Gobustan detention centre

18.00 Return to the hotel and meeting with the consultant-lawyer of the Council
of Europe

19.00 Meeting with several NGOs

20.00 Dinner hosted by the Deputy Ambassador of Greece, the current
President of the EU and the representative of the Chairman of the
Committee of Ministers in Baku, in Restaurant Susa (the ambassadors or
their deputies and the Special Representative of the Council of Europe's
Secretary General)

Wednesday 12 February 2003

08.30 Working breakfast with the OSCE representative and the SRSG at the
Hyatt Regency

10.00 Meeting with Mr Mamedov, Minister of Justice of Azerbaijan

11.00 Courtesy visit to Mr Aleskerov, Speaker of Parliament

12.00 Meeting with the members of the Azerbaijani delegation to the
Parliamentary Assembly of the Council of Europe

13.00 Lunch

14.30 Meeting with the representatives of political parties from the opposition
(Greek Embassy)

16.30 Meeting with Mr Mehdiyev, Chairman of the Commission of Pardon, and
the other members of the Commission of Pardon

19.00 Return to the hotel and meeting with the ICRC delegate in Azerbaijan

19.30 Meeting with solicitors and relatives of political prisoners

22.15 Dinner

Thursday 13 February 2003

09.00 Departure for detention centres in and around Baku (colonies N° 2, 9, 16 and 1)

19.00 End of the working day; free evening

Friday 14 February 2003

08.30 Departure from the hotel for Baku Airport

09.40 Departure of flight BA 6726

APPENDIX 9

12 MAY 2003

JOINT WORKING GROUP ON THE IMPLEMENTATION OF RESOLUTION 1272 (2002) ON POLITICAL PRISONERS IN AZERBAIJAN

Programme for the visit of members of the JWG to Azerbaijan (5-9 May 2003) (Hyatt Regency Hotel, tel.: +994 12 981234; fax: +994 12 980817)

Monday 5 May 2003

23.25 ARRIVAL OF THE DELEGATION. TRANSPORTATION TO HOTEL HYATT REGENCY BAKU (BAKIKHANOV STREET, 370065 BAKU)

Tuesday 6 May 2003

08.30 Meeting with the lawyers of Mr Gumbatov, Mr Gamidov and Mr Gaziyev
09.30 Departure for detention centres in and around Baku
13.00 Lunch with the Special Representative of the Council of Europe's Secretary General
14:30 Additional visit to detention centres
19:30 Visit to Mr Eldar Zeynalov (Human Rights Centre of Azerbaijan) and Ms Yunus's offices

Wednesday 7 May 2003

09.00 Departure for Gobustan detention centre
15.30 Visit to detention centres in and around Baku
20:00 Dinner with the Ambassador of Greece

Thursday 8 May 2003

09.00 Meeting with Ambassador Burkhard, Head of the OSCE office in Baku
09:45 Meeting with the representatives of political parties from the opposition (Musavat Party, ANIP, ADP, Popular Front, Civil Unity Party)
11:00 Meeting with the relatives of political prisoners
12:00 Meeting with Representatives of local NGOs: Arzu Abdullayeva, Novella Jafarova and Saida Gojamanly
12:30 Meeting with Representatives of local NGOs: Leila Yunus, Eldar Zeynalov, Rena and Murat Sadaddinova
13:00 Lunch
15:00 Meeting with the members of the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe;
16:00 Meeting with the members and chairman Mehdiyev of the Commission of Pardon

17:00 Meeting with Mr Mehdiyev, Head of the Presidential Administration
18:30 Meeting with Mr Mamedov, Minister of Justice of Azerbaijan

Friday 9 May 2003

08.30 Departure from the hotel for Baku Airport
09.40 Departure of the delegation

APPENDIX 10

12 DECEMBER 2003

Programme for the visit of the rapporteur on political prisoners in Azerbaijan (8-9 December 2003)

Sunday 7 December 2003

- 18.50** ARRIVAL OF FLIGHT J2 851 (MR CUPINA)
- 22.35** ARRIVAL OF FLIGHT BA 6621 (MR BRUCE). TRANSPORTATION TO HOTEL HYATT REGENCY BAKU (BAKIKHANOV STREET, 370065 BAKU)

MONDAY 8 DECEMBER 2003

- 09.00 Meeting with a number of NGOs at the Hyatt Regency
- 10.00 Departure for detention centres in and around Baku
- 15.00 Meeting with Mr Aliyev, President of the Republic of Azerbaijan
- 16.30 Departure for detention centres in Baku
- 19.30 Return to the hotel and meeting with the solicitors of political prisoners
- 20.30 Dinner

TUESDAY 9 DECEMBER 2003

- 08.30 Meeting with several other NGOs
- 10.00 Meeting with Mr Fikret Mammedov, Minister of Justice of Azerbaijan
- 12.00 Meeting with the members of the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe
- 14.30 Meeting with Mr Mehdiyev, Chairman of the Commission of Pardon and Head of the President's Office of the Republic of Azerbaijan, and the other members of the Commission of Pardon
- 16.30 Departure for detention centres in Baku
- 19.30 Return to the hotel and meeting with the relatives of political prisoners
- 21.00 Dinner

Wednesday 10 December 2003

- 07.00 Departure from the hotel for Baku Airport
- 09.05 Departure of flight BA 6622 (Mr Bruce and Mr Cupina)

Reporting committee: Committee on Legal Affairs and Human Rights

Reference to committee: Doc 9728, References 2819 and 2845 of 31 March 2003 and 27 May 2003

Draft resolution adopted unanimously by the Committee on 9 January 2004

Members of the Committee: Mr *Lintner* (*Chairperson*), Mr Marty, Mr Jaskiernia, Mr *Jurgens* (*Vice-Chairpersons*), Mrs Ahlqvist, Mr *Akçam*, Mr Alibeyli (alternate: Mr *R. Husynov*), Mrs Arifi, Mr Arzilli, Mrs Azevedo, Mr Barquero Vázquez, Mr *Bartumeu Cassany*, Mrs Bemelmans-Videc, Mr Berisha, Mr *Bindig*, Mr Brecj, Mr *Bruce*, Mr Chaklein, Mrs Christmas-Møller, Mr Cilevics, Mr *Contestabile*, Mr *Daly*, Mr Davis, Mr Dimas, Mr Engeset, Mrs Err, Mr Fedorov, Mr Fico, Mr Frunda, Mr Galchenko, Mr Gedei, Mr Goris, Mr Guardans, Mr *Gündüz*, Mrs Hajiyeva, Mrs Hakl, Mr Holovaty, Mr Ionnadis, Mr Ivanov, Mr Kalezic, Mr Kelber, Mr Kelemen, Mr S. Kovalev, Mr *Kroll*, Mr *Kroupa*, Mr Kucheida, Mrs *Leutheusser-Schnarrenberger*, Mr Livaneli (alternate: Mr *Ates*), Mr *Manzella*, Mr Martins, Mr Masson, Mr *McNamara*, Mr Monfils, Mrs *Nabholz-Haidegger*, Mr Nachbar, Mr Olteanu, Mrs Pasternak, Mr *Pehrson*, Mr Pellicini (alternate: Mr *Budin*), Mr Pentchev (alternate: Mr *Arabadjiev*), Mrs Pétursdóttir, Mr *Piscitello*, Mr Poroshenko, Mrs Postoica, Mr *Pourgourides*, Mr *Prica*, Mr Pullicino Orlando, Mr Raguz, Mr Ransdorf, Mr Rochebloine, Mr Rustamyan, Mr Skrabalo, Mr Solé Tura, Mr Spindelegger, Mr Stankevic, Mr Stoica (alternate: Mr *Coifan*), Mr Symonenko, Mr *Takkula*, Mrs Tevdoradze, Mr *Toshev*, Mr *Wilkinson*, Mrs Wohlwend

N.B. The names of those members who were present at the meeting are printed in italics.

Secretaries to the Committee: Ms Coin, Mr Schirmer, Mr Cupina, Mr Milner