

## **Anar Mammadli Case: Motion Filed in the Baku Court on Grave Crimes Requesting Information from Azerbaijan's Official Representative before the European Court of Human Rights**

**In its motion, the defense argued that the facts demonstrating the baselessness of the charges have already been established in the European Court's judgments concerning both Mammadli's arrest and the refusal to register the public association he co-founded, and that the "non-registration" situation created by the State's delay in implementing these judgments cannot be used to justify prosecuting legitimate public activity.**

On 17 November, the next court hearing was held at the Baku Court on Grave Crimes in the case of Anar Mammadli, Chair of the Election Monitoring and Democracy Studies Centre (EMDS), and civic activist Anar Abdullayev.

The hearing presided over by Judge Aygun Qurbanova.

At the hearing, Anar Mammadli's lawyer, Javad Javadov, submitted a motion requesting the Court to obtain information and supporting documents capable of comprehensively challenging the legal and factual basis of the charges and demonstrating their complete lack of merit. The motion sought the issuance of a formal inquiry to the Representative of the Republic of Azerbaijan before the European Court of Human Rights (the Government Agent) in order to obtain a range of relevant information and corroborating documentation.

The motion submitted by the defense argued in detail that the charges brought against Mammadli are directly linked to the Government's failure to implement the European Court's judgments in relation to his earlier arrest and the refusal to register the public association he chaired (the Election Monitoring and Democracy Studies Centre). It was stressed that Azerbaijan's failure to execute those ECtHR judgments has resulted in the same charges being brought against Mammadli, including with aggravating elements.

The motion referred to the ECtHR's judgment of 19 April 2018 in the case *Mammadli v. Azerbaijan*. It recalled that the European Court held that Mammadli's 2013 arrest was unlawful, unfounded, and politically motivated, finding violations of Article 5 §§ 1 and 4, as well as Article 18 taken together with Article 5. The judgment also made clear that the criminal proceedings against him had been used by the State to silence and punish Mammadli for political reasons, and it required the Government to eliminate all negative legal consequences of the conviction and to grant full acquittal (*Restitutio in integrum*).

Defense party noted that despite the ECtHR judgment, the previous conviction was not quashed, and this "convicted status" is now being used as an aggravating factor in the new criminal case. The defense emphasized that this situation violates both Article 46 of the Convention and Article 151 of the Constitution of the Republic of Azerbaijan.

The motion also drew attention to the ECtHR's judgment of 12 January 2023 concerning the legal status of EMDS. In that judgment, the Court found that the refusal to register the organization had been arbitrary, unfounded, and based on technical pretexts, amounting to a violation of Article 11

of the Convention (freedom of association). The motion emphasized that instead of remedying this violation, the State continues to rely on the organization's non-registration created by the State itself as a basis for the current accusations against Mammadli. This, the defense argued, is entirely illogical: a situation caused by the State's unlawful conduct cannot be used to justify criminal charges against the head of the organization.

The motion further stated that the discussions held by the Committee of Ministers of the Council of Europe since 2019, as part of its supervision of the implementation of ECtHR judgments, demonstrate that Azerbaijan has taken no real steps to comply in this area. The Committee has repeatedly stressed that the "Mammadli group" cases reflect systemic abuses, and that full execution requires the quashing of convictions, removal of all legal consequences, and resolution of NGO registration problems (as indicated in the *Ramazanova* group of cases). The defense argued that where the State has failed to meet these obligations, it is impermissible for the consequences of its own violations to be presented as a legal fact against the defendant in the present proceedings.

In the concluding part of the motion, it was emphasized that the key legal information necessary for an objective and thorough examination of the case is held exclusively by State authorities, while the defense does not have equal access to such information. Therefore, lawyer requested that the court formally seek information from the Government Agent of Azerbaijan before the ECtHR, including: the current implementation status of both judgments; action plans and action reports submitted to the Committee of Ministers; and official documentation regarding all individual and general measures taken to date.

The defense stated that this information is crucial for assessing the legitimacy of the criminal prosecution, determining whether the charges are politically motivated, and ensuring a fair trial in line with Convention requirements. The motion indicates that where the ECtHR has already found a violation and required it to be remedied, it is legally unacceptable for the same pattern of misuse of the law to be invoked again as the basis of new charges, and that the court must examine this issue.

The judge postponed consideration of the motion, noting that he would address it at the end of the proceedings. The judge also advised the defence to submit the motion's requests to Azerbaijan's official representative before the European Court of Human Rights. The defence has since sent the relevant inquiry to the Representative's Office.

Afterwards, civic activist Anar Abdullayev again provided his free testimony. Following his testimony, Abdullayev answered questions from the public prosecutor.

The next court hearing is scheduled for 8 December at 14:30 and will continue with the examination of witnesses.