

Chronology of Events

Huseyn Abdullayev (HA)

As of March 2020

Born on **25 May 1967** in Julfa a small town of 40'000 inhabitants located in the autonomous Republic of Nakhchivan, Azerbaijan, which, since the annexation of Highland Karabakh by Armenia during the 1988-1990 war, has been an enclave surrounded by Armenia, Turkey and Iran.

1974-1983: Schooling in Julfa. HA simultaneously attends the city's Music School.

1984-1985: Military service in the Soviet Army.

1986: Works as a collaborator at the Julfa Music School.

1987: Goes into business (trading with Iran).

1987: Donates to the Heydar Aliyev Foundation. Beginning of his relationship with the former president of Azerbaijan (father of the current president), like him a native of the Nakhchivan region.

1988-1990 (war with Armenia): HA supports the Azerbaijani army and donates 1,5 million manats to the autonomous Republic of Nakhchivan.

1992: Leaves his native region to settle in Baku.

1993: HA continues to support the Azerbaijani army active on the ground (Karabakh, Agdam and Tartar).

1993-1996: Studies law in Baku.

1997-2005: General Director of Caspian LTD.

2005: HA is elected to the National Assembly of the Republic of Azerbaijan in November after running on a list of independents from the Nizami district in Baku. Making full use of his parliamentary status, he openly criticises the government and its members, including during National Assembly sessions.

16 March 2007: During a parliamentary session, HA criticises the Report of Activities for the year 2006 presented by the Prime Minister. The president of the National Assembly cuts his microphone off. Another member of parliament interrupts, insults him, then approaches him and begins to assault him. HA defends himself. Both members are rapidly escorted out of the debating chamber. The scene is filmed: <https://www.youtube.com/watch?v=kOFv7dEO6CI>. The incident can also be reconstructed on the basis of the official minutes of parliamentary debates (see **annex IV**, pp. 23-25).

16 March 2007: The Member of Parliament who provoked HA lodges a complaint with the Azerbaijani Attorney General, who opens a criminal procedure for affray and hooliganism.

19 March 2007: Despite parliamentary immunity, HA is brutally arrested around 9h30 by dozens of masked men from the Interior Ministry while he is about to meet with officials from the OSCE in Baku to denounce the incident that took place on 16 March. His imprisonment is extended to two months, till his judgment on 18 May 2007. Suffering from a herniated disc at the moment of his arrest, HA receives no adequate medical attention during his detention. He is transferred to the infirmary on 13 April 2007 only after beginning a hunger strike.

19 March 2007: In his absence, Parliament gathers from 12h onwards in an emergency session and votes for the waiver of his parliamentary immunity. The debates that lead to this decision are transcribed in the official minutes (German translation available, see **annex I**).

16 April 2007: The European Council evokes his case (**annex II**).

18 May 2007: HA is sentenced to a 2-year conditional prison term for affray and hooliganism. His parliamentary mandate is withdrawn and he is forbidden from leaving the country (**annex III**). He appeals to the Baku Court of Appeal (deposited 22 June 2007, rejected 6 August 2007), then to the Court of Cassation of the Republic of Azerbaijan, without success (appeal rejected 4 December 2007). He lodges complaints against all those involved in his arrest, in particular the Attorney General, Zahir Garalov, again without success.

22 September 2007: HA obtains the right to leave the country for medical reasons (Vienna, Munich and Istanbul).

Since 2007: HA is no longer professionally active. He lives off the income of his parents, who possess a construction company. He composes music.

4 February 2008: HA asks the European Human Rights Court (CEDH) in Strasbourg to observe the legal violations which led to his sentencing on 18 May 2007 (**annex IV**). Ismayilov Ziyaddin, a Munich-based lawyer and Suleymanov Javanshir Islam (Aslan Ismayilov), a lawyer in Baku and at Clyde & Co (a London-based law office) file a complaint. In this 50-page-long complaint, HA lists every legal violation since his arrest and throughout the procedure which led to his sentencing. The CEDH will prove him right eleven years later, on 7 March 2019 (**annex V**).

Autumn 2010: He renounces running as a candidate in the legislative elections under the pressure of the authorities. Ten days prior to the vote, collaborators of the Public Ministry take him in a car and explain that if he does not withdraw from the race, he will be found in possession of drugs or weapons.

24 February 2013: He leaves Azerbaijan for Istanbul, then, towards the end of June, to Germany.

5 June 2013: The political clip "Don't remain silent," composed and interpreted by HA, is made available on YouTube. (<https://www.youtube.com/watch?v=sGeR0LhtXn8>). The images show freedom protestors confronted by police violence.

6 or 7 June 2013: The Azerbaijani Taxation Ministry (the Treasury) opens a criminal procedure for tax evasion against Araz Inc, the company in the ownership of HA's parents. At the same time, the Treasury or the City of Baku demands HA to pay 380'000 manats (96'000 US Dollars at the time) in back taxes.

6 June 2013: HA's younger brother, a customs official at the Baku airport, is forced to resign by the authorities.

June 2013: In an attempt to outmanoeuvre the judicial authorities, Araz Inc settles the amount of 380'000 manats while denying the validity of this tax adjustment.

25 June 2013: HA is condemned for violating article 213.2.2. of the Azerbaijani tax law (evasion) for the period of 1 August 2006 to 1 January 2013.

26 June 2013: The tribunal of the city of Yasamal issues an arrest warrant for HA, even though he entertains no ties with the company Araz Inc on a legal level.

28 June 2013: At the demand of the Azerbaijani state, Interpol issues a Red Notice against HA (Red Notice A-4002/6-2013), which will be cancelled on 7 November 2014.

1 July 2013 and following days: In an attempt to outmanoeuvre the tax and judicial authorities, Araz Inc settles the 1,1 million manats demanded by the tax office (in addition to the 380'000 manats already paid), contesting the validity of this tax adjustment. The authorities refuse to acknowledge receipt of the payments.

8 July 2013: HA files a demand for political asylum in Germany (**annex VI**).

19 July 2013: Christoph Strässer, SPD Member of the German Bundestag, former Rapporteur to the Legal Commission of the Parliamentary Assembly of the Council of Europe in charge of the case "Political Prisoners in Azerbaijan," writes to the German Federal Office of Migration and Refugees in support of HA's asylum demand (**annex VII**).

29 August 2013: A new fiscal control concludes that Araz Inc has not declared all its income sources. Considering that HA is at the head of the company, although he is neither its owner nor its CEO, the Azerbaijani authorities accuse him yet again of violating articles 192.2.2 and 213.2.2. of the tax law. HA's lawyer denies any wrongdoing.

22 November 2013: Observing that HA is no longer on Azerbaijani territory, the country's judicial authorities suspend proceedings against him for tax evasion.

26 November 2013: HA obtains political asylum in Germany (**annex VIII**).

12 December 2013: HA's lawyer states that all amounts demanded by the judicial authorities have been settled and demands that all procedures against his client be brought to an end.

16 December 2013: The Azerbaijani authorities reject the lawyer's demand and refuse to close down procedures against his client. They rely on the fact that it is not possible to bring an end to a suspended procedure.

3 January 2014: Through his lawyer Edward Kowis, HA requests that the Red Notice Interpol has placed on him be lifted (**annex IX**).

29 January 2014: Interpol replies by explaining the procedure which will be followed (**annex X**).

6 May 2014: The Azerbaijani authorities lift the suspension on the procedure against HA and issue the order of his placement in preventive detention.

7 May 2014: Pending HA's arrest, the Azerbaijani authorities suspend the procedure against him again.

7 November 2014: Interpol removes the Red Notice placed on HA on 28 June 2013.

22 December 2014: Interpol informs HA's lawyer that the Red Notice against him has been erased (**annex XI**).

5 February 2015: The Monitor show of German broadcaster ARD programs a report ("[Unschuldig gesucht: Wie Despoten das Fahndungssystem von Interpol missbrauchen](https://www1.wdr.de/daserste/monitor/sendungen/interpol104.html)") on the abuse of Interpol by despotic regimes in which HA makes a brief appearance (starting at 07:15): <https://www1.wdr.de/daserste/monitor/sendungen/interpol104.html>.

May-June-July 2016: The tax offense authorities yet again investigate the accounting at Araz Inc.

27 September 2016: The Azerbaijani authorities lift the suspension of 7 May 2014 and reopen the criminal procedure against HA on charges of tax evasion.

11 October 2016: The Tribunal of Baku (**annex XII**) issues the order to place HA in preventive detention on the basis of investigations conducted in the summer of 2016, which probed the period dating from February 2009 to February 2015. HA is accused of

not paying 1,8 million manats (approx. EUR 1 million) in taxes, 1,5 million manats (approx. EUR 800'000) in VAT and to have failed to declare approx. 1 million manats (approx. 550'000) in income. The charges hence laid against him (in effect against Araz Inc which the authorities consider HA to be accountable for) could entail 5 to 7 years in prison.

21 April 2018: HA is arrested one Saturday in Istanbul by the Turkish authorities. The following day, violating international treaties signed both by Turkey and Azerbaijan, he is extradited to Baku, and imprisoned without charges. A brief video shows him, handcuffed, at his arrival at Baku airport: <https://www.youtube.com/watch?v=Jz57GbJg5ew> Media outlets affirm that he was arrested thanks to Interpol, but the Red Notice they show dates to 2013 (<https://www.youtube.com/watch?v=lruXrcPeyKs>). HA was not wanted by Interpol at the time of his arrest (see below) and was in fact not stopped at the airport but in the city centre.

2 May 2018: HA's lawyer requests that the German Federal Criminal Police Office (Bundeskriminalamt) tell him when a new international arrest warrant was issued by Azerbaijan and when the Red Notice erased in 2014 was republished (**annex XIII**).

10 July 2018: The German Federal Criminal Police Office (Bundeskriminalamt) informs HA's lawyer that on 14 May 2018 Interpol confirmed that the Red Notice against HA issued in 2013 had been removed on 7 November 2014 and had not been reactivated since (annex XIV).

1 February or 1 March 2019: HA's mother, Zeynab Abdullayeva, records a video in which she asks President Ilham Aliyev to show clemency and humanity towards her son on grounds of his health problems: <https://www.youtube.com/watch?v=KHhidccCyJs>

7 March 2019: The CEDH accepts the complaint filed in 2008 and sentences Azerbaijan for unfair trial (annex V) in violation of article 6 § 1 of the European Convention of Human Rights (right to fair trial). In particular, the CEDH considers the refusal of Azerbaijani authorities to examine the video proofs of the parliamentary incident constitutes a violation of the right to fair trial (paragraph 64 and 66: « (...) the Court concludes that the domestic courts' refusal to examine the video evidence without any reasons undermined the overall fairness of the proceedings. (...) Accordingly, the Court concludes that there has been a violation of Article 6 § 1 of the Convention. »). The CEDH sentences Azerbaijan to pay the sum of EUR 2'400 to HA for moral prejudice within three months.

2 April 2019: Opening of HA's trial in front of the Military Court of Baku. The charges against him are of "illegal entrepreneurial activities with high profits" (art. 19.2.2), "fraud" (art. 178.2.1, 178.2.2, 178.2.4), "extortion through the use of threats" (art. 182.2.1), "extortions through repetition" (art 182.2.2) and "extortions causing substantial damages" (art. 182.2.4). He risks up to 15 years in prison.

1 October 2019: The Military Tribunal of Baku sentences HA to 6 years of prison.

18 October 2019: HA appeals against his sentence of 1 October 2019.

29 January 2020: The Court of Appeal of Baku confirms HA's sentencing to 6 years in prison.

25 March 2020: HA publishes an open letter to Angela Merkel in German media.