

AZƏRBAYCAN RESPUBLİKASININ
ATƏT YANINDA
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ENGLISH only
PERMANENT MISSION
OF THE REPUBLIC OF AZERBAIJAN
TO THE OSCE

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STATEMENT BY THE DELEGATION OF THE REPUBLIC OF AZERBAIJAN

**978th meeting of the OSCE Permanent Council
December 19, 2013**

in response to US and EU Delegations on Anar Mammadly

We took note of the statements of the Delegations of the United States of America and European Union. With regard to the issues raised in these statements we wish to stress that Mr. Anar Mammadly and two other persons working in the Election Monitoring and Democracy Studies Center and International Cooperation of Volunteers were interrogated at the General Prosecutor's Office in connection with the charges put against them related to illegal entrepreneurship, evasion of taxes and abusing of authorities.

General Prosecutor's Office of the Republic of Azerbaijan on October 29, 2013 launched a criminal investigation in accordance with the articles 192 (illegal business), 213 (evasion from payment of taxes) and 308 (abusing official powers) of the Criminal Code of the Republic of Azerbaijan, based on the request of the Ministry of Taxes and Ministry of Finance of the Republic of Azerbaijan on the issues of appropriation of large amount of money by abuse of the office and illegal entrepreneurship evading tax regulation committed by officials of the Election Monitoring and Democracy Studies Center and International Cooperation of Volunteers.

The Prosecutor General's Office in cooperation with relevant experts of the Ministries of Taxes and Finance are examining extend of compliance of the business accounting and regulation of incomes of these organizations with the national legislation.

It should be mentioned that the Election Monitoring and Democracy Studies Center contrary to the national legislation did not fulfill the requirements for the state registration.

Investigation revealed that on May, 2013 co-founder and chairperson of the Election Monitoring and Democracy Studies Center Mr. Anar Mammadly together with the executive director of this Center Mr. Bashir Suleymanly agreed with the chairperson of the International Cooperation of Volunteers Mr. Elnur Mammadov to draw up 276.010 US dollars received as a grant from the US National Democratic Institute for the International Cooperation of Volunteers.

After that Mr. Bashir Suleymanly was appointed to the position of the vice president of the International Cooperation of Volunteers and received a transfer of 163.250 US dollars on his bank account. Investigations revealed that that money was cashed by Mr. Suleymanly and according to him spend for the wages of the employees and for the office lease of the Election Monitoring and Democracy Studies Center. These activities were conducted in violation of the article 219.1 (Subject of taxation) of the Tax Code of the Republic of Azerbaijan. Moreover, the evidences proved that Mr. Elnur Mammadov provided false information to the register of legal persons by falsifying data on and signatures of co-founders of the International Cooperation of Volunteers.

According to the information provided by the Prosecutor General's Office Mr. Anar Mammadly was sentenced to the pretrial detention in accordance with the articles 192.2.2 (illegal business), 213.1 (evasion of taxes) and 308.2 (abusing official powers) of the Criminal Code of the Republic of Azerbaijan.

Criminal investigation was launched against Mr. Bashir Suleymanly and Mr. Elnur Mammadov in accordance with relevant articles of the Criminal Code of the Republic of Azerbaijan. They were given written notification not to leave the country. The investigation is continuing.

Any overemphasis made and concerns raised in our view are premature and are interfering to normal courses of legal proceeding launched against these persons. While speaking on the raised issue, we would like to draw the attention of the PC that on December 18, 2013 our Permanent Mission received letter from Ambassador Lenarcic on the case of Mr. Anar Mammadly requesting the clarifications. On the same day ODIHR press release on the issue was distributed expressing concerns over arrest of Mr. Mammadly. In this regard we wish to register our concern that director of ODIHR went beyond his mandate engaged in the monitoring of situation in particular OSCE participating States. We have serious doubts on the rationality of abusing the mandate by Ambassador Lenarcic and request the Chairmanship to clarify what are the bases for ODIHR monitoring functions. In general our Delegation stresses the role of this institution is not adequate to the agreed decisions. Its director statement are selective and requires closer scrutiny and through review during the Helsinki+40 process.

At the same time we wish to note that we take note of the issue on the draft law on NGO and reserve the right to come back to this issue during future meetings of the PC.

Thank you.