



NGOs demand meeting with the Chief Prosecutor regarding the case of Afgan Mukhtarli

On January 12, 2018, the Belakani (Azerbaijan) District Court found Afgan Mukhtarli guilty in the imposed charges and sentenced him to 6 years imprisonment. The court did not satisfy any solicitations of the defense that was aimed to confirm the innocence of Mukhtarli. The below signatory organizations believe that the Belakani District Court violated Afgan Mukhtarli's right to fair trial that is protected under the European Convention of Human Rights.

Furthermore, although eight months have passed since the incident, the Georgian society has no information regarding Afgan Mukhtarli's case investigation held in Georgia. Serious questions arise on the effectiveness of the Georgian investigation. The society is only informed that the head of the Counter-Intelligence Department of the State Security Service and the head of the Border Police Unit of the Ministry of

Internal Affairs have been [dismissed](#). Lack of detailed clarifications on the incident and non-disclosure of relevant video-recordings strengthens the doubt about political influence over the investigation. Alleged participation of state representatives in this incident is not properly studied so far.

Ineffective investigation of the incident undermines Georgian democracy that has already been underlined several times by the international partners. Moreover, as the resolution of the European Parliament states [\[1\]](#) European Parliament condemned the abduction of Afgan Mukhtarli in Tbilisi and urged the Georgian authorities to ensure a prompt, thorough, transparent and effective investigation into Afgan Mukhtarli's forced disappearance."

Authoritative human rights organization Freedom House still ranks Georgia among partly-free states, according to its report Freedom in the World 2018. In key findings of the report, the Freedom House mentions the disappearance of Afgan Mukhtarli from Tbilisi and evaluates the ability of the authoritarian regime to reach across the borders as [\[2\]](#) alarming threat to democracy. A [\[3\]](#) Azerbaijani journalist, Afgan Mukhtarli, was kidnapped in Tbilisi by men who allegedly spoke Georgian, then transported across the border to Azerbaijan, raising concerns that Georgian authorities were complicit in the abduction," the report states.

Afgan Mukhtarli, Azerbaijani journalist, disappeared in Tbilisi on May 29, 2017. Later on, he turned out to be detained in Baku. According to Mukhtarli [\[4\]](#) statement, he was abducted by Georgian-speaking individuals, who were dressed in Georgian police uniforms and this fact gives the effective investigation of the case international meaning. In Azerbaijan, Afgan Mukhtarli was charged for the illegal crossing of the border, smuggling and resisting border guards.

It is noteworthy that investigation in Georgia have not satisfied the solicitation of Human Rights House Tbilisi and its member organization, Article 42 of the Constitution [\[1\]](#) on granting the status of victim to Afgan Mukhtarli and his wife, Leyla Mustafaeva. As well, no effective investigation was launched on alleged illegal surveillance facts against Leyla Mustafaeva and Afgan Mukhtarli [\[2\]](#) friend, Dashgin Aghalarli, in Tbilisi. Should be noted that Leyla Mustafaeva submitted the photos of persons allegedly conducting surveillance on her to the investigation, however there was no reaction to this fact.

Alleged abduction and forcible return of Afgan Mukhtarli to his country of origin violates the norms of international law. As a party to the European Convention on Human Rights, Georgia is responsible to ensure security of foreign citizens (including Azerbaijani citizens) or stateless persons, residing within the territory of Georgia and prevent their involuntary return to their country of origin, where they might become subjects to detention on political grounds, torture or inhuman treatment.

Considering the abovementioned, the below signatory organizations urge:

The Government of Georgia:

- **Make the investigation details of alleged abduction of Azerbaijani journalist Afgan Mukhtarli on May 29, 2017 public: including, due to high public interest, disclose the video-recordings from the cameras from the site of alleged kidnapping as well from the customs office at the border. Until today, the society was only aware that the investigation is ongoing under the Article 143 of the Criminal Code of Georgia that implies unlawful imprisonment;**

Prosecutor's Office:

- **To ensure independent and effective investigation of Afgan Mukhtarli case;**
- **To ensure meeting of representatives of non-governmental organizations with the Chief Prosecutor of Georgia on investigation results and ongoing process of Afgan Mukhtarli's case;**
- **To proceed the investigation under paragraphs 1, 3 and 4 of the Article 143 that implies unlawful imprisonment with aggravating circumstances present, as well under Article 154 (unlawful interference with the journalist's professional activities);**
- **To grant the status of victim to Afgan Mukhtarli and his wife, Leyla Mustafayeva;**

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



1. Georgian Young Lawyers' Association (GYLA)
2. Human Rights House Tbilisi (HRHT)
3. Human Rights Center (HRIDC)
4. Sapari
5. Article 42 of the Constitution
6. Media Institute
7. Georgian Center for Psycho-Social and Medical Rehabilitation of Torture Victims (GCRT)
8. Tolerance and Diversity Institute (TDI)
9. Transparency International – Georgia (TI)
10. Georgian Democracy Initiative (GDI)
11. International Society for Fair Elections and Democracy (ISFED)
12. Human Rights Education and Monitoring Center (EMC)
13. Open Society Georgia Foundation (OSGF)

[\[1\]](#) Human Rights House Tbilisi, together with its member organization Article 42 of the Constitution, represents Afgan Mukhtarli in the European Court of Human Rights, where on July 19, 2017 lodged the complaint □ Afgan Mukhtarli and Leyla Mustafaeva vs. Azerbaijan and Georgia.