



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

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**Statement regarding the criminal prosecution and lengthy pre-trial detention
of Mr. Anar Mammadli in Azerbaijan**

Ref: ACSR/C/2024/45 (Azerbaijan)

Six months ago, on 30 April 2024, the prominent human rights advocate and environmental defender Mr. Anar Mammadli was ordered by the District Court of Baku to serve a three-month and 28-day pre-trial detention regarding allegedly trumped-up charges of “smuggling on preliminary arrangement by a group” in Azerbaijan. Six months later, Mr. Mammadli remains in pre-trial detention. Today, I therefore issue this statement to express my deepest concern about the treatment of Mr. Mammadli which may violate Azerbaijan’s obligations under article 3 (8) of the Aarhus Convention.

On 19 July 2024, I sent a [letter of allegation](#) to the government of Azerbaijan requesting its response to the complaint received under my mandate regarding the alleged persecution, penalization and harassment of Mr. Mammadli (complaint [ACSR/C/2024/45](#)). In my letter, I highlighted my concerns about the allegedly trumped-up criminal charges brought against Mr. Mammadli and his lengthy pre-trial detention in apparent reprisal for his environmental activism. In my letter, I requested the government of Azerbaijan, amongst other things, to provide information on the steps it had taken to ensure Mr. Mammadli’s prompt release from pre-trial detention as well as to conduct a full and thorough investigation into whether the charges against Mr. Mammadli were politically motivated.

The government of Azerbaijan provided its [response](#) to my letter on 17 September 2024. However, rather than take action in response to my requests, the government of Azerbaijan has questioned Mr. Mammadli’s status as an environmental defender under the [Aarhus Convention](#) and has justified its own lack of action based on the doctrine of separation of powers.

Since my [letter of 19 July 2024](#), I have received further, deeply concerning information regarding the situation of Mr. Mammadli that indicates not just a lack of action from the government of Azerbaijan in response to my letter, but a deterioration of the circumstances outlined in my letter of allegation. As the international community is looking to Azerbaijan ahead of the 2024 United Nations Climate Change Conference (COP29), set to start in Baku in less than two weeks, I am gravely concerned about the deterioration in the treatment of Mr. Mammadli and the crackdowns on civil society actors, including environmental defenders like Mr. Mammadli, more broadly. These developments have prompted me to issue the present statement.

At the outset, I underline that Azerbaijan, as a Party to the [Aarhus Convention](#), has a binding obligation under article 3 (8) of the Aarhus Convention to “ensure that persons exercising their rights in conformity with the Convention are not penalized, persecuted or harassed in any way for their involvement”. As the Aarhus Convention Compliance Committee has made clear, this covers both the rights granted under articles 4 to 9 of the Convention as well as the general provisions under article 3 of the Convention, “but it is not limited to them”.¹ In the present case, Mr. Mammadli has co-founded the “Climate of Justice” initiative, which seeks, amongst other things, to promote the implementation of the Paris Agreement in Azerbaijan, the fair and efficient use of water resources, the cleaning of oil-contaminated sites, public participation and environmental justice.² I consider that Azerbaijan’s attempt in its [response](#) to put in question Mr. Mammadli’s status as an environmental defender entitled to protection under article 3 (8) of the Aarhus Convention is therefore entirely misguided.

¹ Aarhus Convention Compliance Committee’s [findings on communication ACCC/C/2014/102 \(Belarus\)](#), ECE/MP.PP/C.1/2017/19, para. 66.

² See https://openazerbaijan.org/site/assets/files/2273/cop29_-_climate_of_justice_initiative.pdf.

The Aarhus Convention Compliance Committee has also clarified that whether an act or omission amounts to penalization, persecution or harassment in violation of article 3 (8) must be assessed against the tripartite test of whether the treatment complained of “could be reasonable and proportional and pursue a legitimate public purpose”.³

Assessed against this test, the information I have received to date regarding the treatment of Mr. Mammadli indicates that Azerbaijan may be acting in violation of its obligations under article 3 (8) of the Aarhus Convention.

Azerbaijan must ensure the prompt release of Mr. Mammadli from pre-trial detention

In my [letter of 19 July 2024](#) to the government of Azerbaijan, I expressed my serious concern about the nearly four months of pre-trial detention imposed on Mr. Mammadli regarding allegedly trumped-up charges. It appeared that the charges and the lengthy pre-trial detention of Mr. Mammadli were a form of retaliation against Mr. Mammadli for his efforts in the lead up to COP29, including as co-founder of the “Climate of Justice” initiative.

Despite my clear request in my [letter of 19 July 2024](#) that Mr. Mammadli be promptly released, I am informed that, as of today, Mr. Mammadli remains in pre-trial detention. This means that, as of today’s date, Mr. Mammadli has spent **six months in pre-trial detention**. As Azerbaijan confirmed in its [response](#) to my letter, the detention is based on charges which are subject to a “preliminary investigation”. In other words, Mr. Mammadli has spent the past six months in prison – and remains in prison – for charges based on mere “suspicions” that are being investigated on a preliminary basis. Mr. Mammadli’s ongoing detention therefore appears grossly unreasonable and disproportionate, falling short of the tripartite test set by the Aarhus Convention Compliance Committee. The length of Mr. Mammadli’s pre-trial detention also strongly indicates that it is a measure that is punitive in nature, aiming to intimidate Mr. Mammadli and other environmental defenders from speaking out, particularly in the lead up to COP29. This is unacceptable.

In my [letter of 19 July 2024](#), I also raised concerns about Mr. Mammadli’s health conditions and requested the government of Azerbaijan to take steps to ensure appropriate treatment while in pre-trial detention.

Since then, I have been informed that Mr. Mammadli’s health has continued to deteriorate due to limited access to medical care while in detention.⁴ This is deeply concerning. The denial of access to medical care while in detention not only violates international law⁵ and puts at risk Mr. Mammadli’s long-term health and well-being, but it also serves to further penalize Mr. Mammadli. It therefore in itself could amount to a violation of article 3 (8) of the Aarhus Convention.

I therefore urge the government of Azerbaijan to ensure the immediate release of Mr. Mammadli from pre-trial detention. I also urge the government of Azerbaijan to ensure that all charges against Mr. Mammadli are immediately dropped, and that Mr. Mammadli receives full compensation for all material and non-material harm caused as a result of his unlawful detention.

Pending Mr. Mammadli’s prompt release from pre-trial detention, I urge the government of Azerbaijan to provide Mr. Mammadli, as a matter of urgency, with access to the necessary medical care for his health conditions.

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In light of these concerning developments, on [25 October 2024](#), I wrote to the government of Azerbaijan, requesting to visit Mr. Mammadli in prison. To date, Azerbaijan has not responded to my request. I use the present statement to reiterate, with great urgency, my request to the government of Azerbaijan to provide me with the possibility to visit Mr. Mammadli privately in prison. I count on Azerbaijan’s willingness to cooperate with my mandate and to assist me to make my requested visit to Mr. Mammadli.

To conclude, I call on Azerbaijan to strictly comply with its obligations under article 3 (8) of the Aarhus Convention with respect to Mr. Mammadli and other environmental defenders, including in the context of COP29.

31 October 2024

³ Aarhus Convention Compliance Committee’s [findings on communication ACCC/C/2014/102 \(Belarus\)](#), ECE/MP.PP/C.1/2017/19, para. 69.

⁴ See <https://free-anar.site/anar-mammadlis-health-continues-to-deteriorate-in-detention/>.

⁵ UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules): https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-book.pdf.