

*Ministers' Deputies / Working Groups*

**GT-SUIVI .AGO**

**Monitoring Group**

**GT-SUIVI.AGO(2004)2 Addendum 3** (Confidential) 23 January 2004

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Replies by AZERBAIJAN to the questionnaire sent on  
4 December 2004 on the outstanding obligations  
and commitments undertaken on accession  
to the Council of Europe

Item to be considered by the GT-SUIVI.AGO at its meeting on 30 January 2004

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**Case N: 3 M – 108/2003**

**Final decision of the court examination of the appeal protest of the Appeal Court  
of the Republic of Azerbaijan**

10 July 2003

Gobustan settlement

With participation of **the president** - Yusifov Shahin Yashar,

**Judges** - Taghizadeh Mirza Nasib, and Karimov Farhad Abdulkarim,

**Registrar** - Mammadov Vugar Kamal,

**Public prosecutors** - Aghalarov Mahmud Muradkhan, justice consultant, prosecutor of the Department on defense of state charges of the Prosecutor General's Office of the Republic of Azerbaijan and Akbarov Fakhraddin Seyfi, justice lieutenant-colonel, prosecutor of the Department on defense of state charges of the Military Prosecutor's Office of the Republic of Azerbaijan,

**Defense attorneys** - Osmanov Elman Isamaddin, lawyer from the law consultation agency N: 5 and Seyidova Rafiga Kamran, lawyer from the law consultation agency N: 2

**Victims** – Guliyeva Lalakhanim Avaz, Bayramova Sevinj Soltan, Akbarova Zemfira Yusif, Mammadov Sayadulla Asad, Asadov Vagif Rza, Niftiyev Aghaddin Aslan, Baghirov Elbayi Zulfu, Novruzov Novruz Gafar, Gafarov Sudef Abbas, Shahbazov Rafig Mehrali, Hasanov Afsar Mursal, Ibayev Jabrail Huseyn, Rzayev Elkhan Avaz, Abbasov Muzaffar Asad, Novruzov Atabala Hajiali, Heydarov Arastun Allahverdi, Miriyev Avaz Matlab, Mirzayev Shakir Safar, Shahbazov Zakir Vakil, Nasirov Afgan Yadulla, Huseynov Adil Ali, Kazimov Mirjavan Rza, Mirzayev Abil Sarkhan, Hajiyeve Akif Hajimirza, Bayramov Alasgar Rashid, Taghiyev Nazim Husu, Suleymanov Salim Mahammad, Mammadov Gurshad Maharram, Mukhtarov Rzakhon Balabay, Talishinski Shamsaddin Akbar, Feyziyev Elkhan Tazakhan, Feyzullayev Saleh Etibar, Gambarov Hafiz Mammadali, Aghayev Ali Ismayil and Aghayev Aflatun Shakir,

Having examined in the public trial the appeal lodged by Garalov Zakir Bashir, first-grade State justice consultant and the Prosecutor General of the Republic of Azerbaijan against the judgment dated February 12, 1996 of the first-instance Military Collegium of the Supreme Court of the Republic of Azerbaijan on **Humbatov Alakram Alakbar** under Article 57, part 3 of Article 70-2, part 2 of Article 192, part 2 of Article 120, parts 2 and 3 of Article 220 and part 2 of Article 185 of the Criminal Code of the Republic of Azerbaijan, which was in force up to September 1, 2000

**CONCLUDED:**

By the judgment of the first instance court Military Collegium of the Supreme Court of the Republic of Azerbaijan dated February 12, 1996 (under the chairmanship O. M. Magsudov)

**Humbatov Alakram Alakbar**, born on October 28, 1948 in the village of Shonaychola of the Lerik district, Talish origin, citizen of the Republic of Azerbaijan, married, having one child not reached adolescent age and two children of adolescent age, high educated, being considered as guilty under the 1<sup>st</sup> part of Article

220 and Article 183-3 of the Criminal Code of the Republic of Azerbaijan in force at that time was sentenced, by the judgment of the Supreme Court of the Republic of Azerbaijan dated 5 June 1991, to three-year imprisonment and under Article 42-1 of the Code enforcement of the sentence was postponed for two years, lived in Koroghlu str. 21/22, Lankaran town,

Being considered guilty under Article 57, part 3 of Article 70-2, part 2 of Article 192, part 2 of Article 120, parts 2 and 3 of Article 220 and part 2 of Article 185 of the Criminal Code of the Republic of Azerbaijan, in force up to September 1, 2000 and following Article 38 of the same Code, was sentenced to the exclusive type of punishment – death penalty, with confiscation of property.

Following the Law dated February 10, 1998 on “Amendments and additions to the Criminal Code, Code of Criminal Procedure and Code of Correction-Labor of the Republic of Azerbaijan”, punishment determined under the part 3 of Article 70-2 of the Criminal Code of Azerbaijan Republic in force at that time and the exclusive punishment – death penalty determined under Article 38 of the Code were substituted with the punishment of life imprisonment.

According to the judgment of the Court, A.A.Humbatov created illegal armed groups in months June-August, 1993 in Lankaran region, by means of them attacked state bodies, organs, institutions, organizations and people which caused death of people and other heavy results.

At the same time, he seized autocratically in massive manner authority of official persons, accompanied with commission of publicly dangerous acts in the area under emergency state, deprived illegally of freedom different people by torturing them physically with causing danger for their life and health, acquired fire-arm and combat ammunition without relevant authorization in the area under emergency state and gave the same kind of ammunition to F. A. Mirzayev.

After being arrested for these crimes A.A.Humbatov in premeditated complicity with a band, escaped from the investigation isolator of the Ministry of National Security of for these crimes on 21 September 1994 and hid in Lankaran town.

While hiding here, up to his arrest on August 3, 1995 he kept in touch regularly with his accomplices acting inside and abroad of Azerbaijan and tried to help to prepare plots with a view to seizing the power in the Republic of Azerbaijan.

Thus, he created illegal armed groups consisting of the staff of the Military Unit N: 704 that he had been commander before and other persons, providing them with fire-arm, combat ammunition, military materiél, as well as 1 BMP and 3 BTR combat cars and appointed persons among his colleagues as heads of these bands.

On 15 June 1993, by means of those armed groups A.A.Humbatov attacked the building of Executive Power of Lankaran town, municipal building, headquarter of the Military Unit N: 704 and military commandant's office of Lankaran garrison and seized them, declared himself as head of the Executive Power of Lankaran town, which was in state of emergency and, later on 21 June, as “Commander-in-chief” of Lankaran garrison.

From June 23, 1993, A.A.Humbatov appointed his colleagues Mikayil Hajiyev, Arif Rahimov and Gudrat Huseynov, Yashar Shukurov, Ajdar Gurbanov, Naib Mammadov as military commandants respectively to Lankaran, Masalli, Lerik, Jalilabad, Bilasuvar districts, providing them with ammunition and live force. Besides

that, A.A.Humbatov attacked with armed forces on the Offices of Executives Authorities and seized the powers in Masalli district on 1 July 1993, in Jalilabad district on 2 July 1993 and in Bilasuvar district.

At the same time, A.A.Hummatov's armed groups under his leadership and instructions attacked on different persons, state departments, institutions and organizations and occupied them, and deprived of freedom some official and other persons. After having attacked and seized the state authority bodies in Lankaran town, A.A.Humbatov, by detaining H.M.Mammadov, head of the Executive Authorities of Lankaran town, M.M.Kazimov, chief of municipal police department, V.R.Asadov, chief of agriculture and food department in guardroom of military commandant's office of Lankaran garrison for 5 hours, illegally deprived them of freedom.

On 1 July 1993, attacking on the Office of Executive Authorities of Masalli district, detained A.A.Niftiyev, head of the Executive Power of Masalli region in the guardroom of military commandant's office of Lankaran garrison for two hours and half, E.Z.Eyvazov, driver the Office in the reception room of the head of Executive Authorities of the district for seven hours, depriving them of freedom illegally. On 8 July, attacking on the building of Executive power of Masalli region again, detained H.A.Abiyev, first deputy to the Head and N.G.Novruzov, chief of the Session of People's Deputies of the district in the car for two hours and half, S.A.Gafarov, resident of the region in the guardroom of military commandant's office of Lankaran garrison firstly for three days, then two days, on 11 July, again for three days depriving them illegally of freedom.

On 15 July, detaining R.M.Shahbazov, officer of the Executive Power of Masalli region in the headquarter of the Military Unit N: 704, A.M.Hasanov, director of the winery N: 2 and F.A.Ibadov, his driver in the guardroom of military commandant's office of Lankaran garrison for eight hours, on 23 June keeping F.F.Huseynov, director of state farm of Shifkhakaran of Lankaran region for two days, H.M.Gambarov, J.H.Ibayev, E.A.Rzayev, M.A.Abbasov, B.A.Bashirov, A.H.Novruzov, residents of the Garghalig village of Masalli region for about a day and conducting illegal search in their homes, on 24 July keeping A.A.Heydarov, M.A.Miriyev, Sh.S.Mirzayev, Z.V.Shahbazov, A.Y.Nasirov, A.A.Huseynov and I.Kh.Bakhshiyev, residents of Bilasuvar region in the guardroom for more than two days and causing them suffers, deprived them illegally of freedom.

On 6 August at 10:00 a.m., members of A.A.Humbatov's band, by the instruction of the latter, attacked with fire-arms on the prosecutor's office of Jalilabad region, held M.R.Kazimov, deputy prosecutor, A.S.Aliyev, head assistant of the prosecutor, A.S.Mirzayev, assistant of the prosecutor, G.T.Shahverdiyev, driver of the prosecutor's office, A.H.Hajiyev, chief of police department up to 1:00 p.m., August 7, 1993, A.R.Bayramov, deputy prosecutor of Masalli region, S.M.Suleymanov, prosecutor of Astara region, in the garrison guardroom except the latter, but he was held in the building of Executive Power for about a day, T.Y.Nusratov, director of bakery plant of Lankaran town was held in the same guardroom for two hours illegally depriving them of freedom.

On August 13, he deprived G.M.Mammadov, chief of agriculture and food department of Masalli region holding him illegally for more than two days.

In order to demand the armed bands headed by A.A.Humbatov surrender to authority bodies and to put an end to the intention of A.A.Hummatov to supervise the authority in Lankaran area by armed attacks and other crimes, ordinary people assembled first in front of the Office of Executive power beginning from 11-12 a.m.

on August 23, then in front of the military unit N: 704 when they knew he had been in the headquarter.

The battalion named "Vel", illegally created and headed by A.A.Humbatov, consisting of about 150 person armed by different fiery weapons, 1 BTR and 1 BMP battle machines, and other armed groups fired upon these ordinary people following the order of A.A.Humbatov. As a result the residents of Lankaran – Etibar Boyukagha Aliyev, Soltan Bayramov Nemat died, Saydulla Mammadov Asad, Yagub Mammadov Alasgar got heavy body injures, and Aliagha Taghiyev Aliheydar and Avaz Gambarov Akbar got light body injures causing them short-term health problems.

At the same time, Pasha Tahmazov Gurban was beaten and killed among those ordinary people.

Besides it, A.A.Humbatov without relevant authorization acquired battle ammunition - one PM mark pistol N: BK-6962 and 16 pieces cartridges of 9 mm. caliber, kept them in July-August, 1993 and during the search in August 30, it was found out and taken from the cabinet of the head of the Executive power of Lankaran region, which A.A.Humbatov seized by force of arms.

For those crimes, A.A.Hummatov was arrested on 9 December 1993 and detained in the investigation isolator of the Ministry of National Security of the Republic.

Besides A.A.Hummatov, Rahim Gaziyeu, Arif Pashayev and Baba Nazarli, convicted for state crimes were detained here.

In order to prepare plot to evade criminal responsibility and to seize the power, he got beforehand in complicity with detainees R.H.Gaziyeu, B.B.Nazarli, A.F.Pashayev, F.A.Mirzayev, as well as F.A.Mirzayev, duty assistant of the chief of interrogation isolator of the Ministry of National Security, M.V.Babayev, R.R.Alishov and R.Y.Rajabov, supervisors and escaped from the interrogation isolator of the Ministry of National Security at about 9:00 p.m. on September 21, 1994 and went to Lankaran town in the harness of the car driven by F.A.Mirzayev and B.Burjaliyev and hid there.

Within the mentioned period, in order to capture the power of in the Republic of Azerbaijan by means of armed forces, he entered in touch with R.Gaziyeu, B.Nazarli acting in Baku and abroad the Republic and other accomplices unknown to the investigation in diverse ways, met Rahab Gaziyeu, R.Gaziyeu's brother, E.P.Abbasov, M.D.Aliyev, H.S.Saddadinov, V.Musayev and other accomplices unknown to the investigation in diverse ways holding conversations on committing of coup d'Etat, did his utmost to help to the realisation of coup d'Etat in Azerbaijan and was arrested by police officers on 3 August 3 1995, while hiding in the apartment of S.M.Mammadov for continuation of his anti-state activity.

Cassation appeal and cassation protest against the judgment were not provided in the Code of Criminal Procedure of the Republic of Azerbaijan, in force at that time, and no protest in supervision order was lodged.

New Code of Criminal Procedure of Azerbaijan Republic came into force in September 1, 2000 and the article 7 of the Law of Azerbaijan Republic dated on 14 July 14 2000 on the "Issues of confirmation, coming into force of the Code of Criminal Procedure of Azerbaijan Republic and the related legal regulatory issues" included the reexamination of the judgments and other final decisions made by the first-instance courts on the basis of the provisions of the Code of Criminal Procedure of the Republic of Azerbaijan in force up to 1 September 2000, before the Court of Appeals or in the Supreme Court of the Republic of Republic in accordance with Articles 383-407, 409-427, 461-467 of the Code.

Based on the mentioned provisions of the Law, and referring to the implementation of obligations that the Republic of Azerbaijan had undertaken before the Council of Europe, on 20 December 2001, Z.B.Garalov, the first-grade Justice Consultant and the Head Prosecutor of the Republic of Azerbaijan lodged appeal against the judgment dated 12 February 1996, applied for reconsideration of the criminal case about A.A.Humbatov in the Court of Appeals of the Republic of Azerbaijan and at the same time requested the restoration of the time for appeal protest.

By the decision of the Court of Appeals of the Republic of Azerbaijan dated 24 January 2002, the request of Z.B.Garalov, the first-grade Justice Consultant, Prosecutor General of the Republic of Azerbaijan, was satisfied and the time foreseen for appeal protest against the judgment dated on February 12, 1996 was extended.

By the decision of the preliminary review meeting of the Court of Appeals dated 23 April 2002, court consideration of the appeal against the judgment on A.A.Humbatov was decided to be held at the public court meeting, with conduction of a partial judicial investigation.

During the court consideration, 62 persons, including A.A.Humbatov and 35 persons out of 60 victims mentioned in the indictment, as well as 26 witnesses were interrogated.

Besides that, testimonies of 4 victims, as well as of 14 witnesses who were not able to come to the court for different reasons, but confirmed their testimonies, several expertise opinions held on the case and the documents on the case were submitted to the parties and examined. All requests of both, prosecutors and defending side were settled in accordance with legal procedure.

At the trial concerning the consideration of appeal, A.A.Humbatov, not considering himself guilty, stated that he had been demobilized from the army to the reserves by the order of the Defense Minister of the Republic of Azerbaijan on 23 February 1993 and till the beginning of June had been working in agriculture sector in Lankaran town, where he constantly lived. He got information about Ganja events on TV, one day later a man named Aypara, who was one of the accomplices of Surat Huseynov had called him up and told him about Ganja events. On June 6, 1993, head of the regional branch of the Azerbaijani National Independence Party requested him to take part with his adherents at the meeting that they would hold, first he refused, but stated that he would attend the meeting. Because of existing tension in Lankaran town, on 8 June 1993 he decided to hold a meeting, and on 11 June 1993 he agreed with his adherents to assemble at the House of Intellectuals and to analyze the events, but since the House of Intellectuals were closed, he intended to hold the meeting at the House of Officers and to submit their demands to the local executive authorities. As the same day at about 11 a.m. he got information about forces coming from Baku in order to hold massive arrests in Lankaran, he was obliged to undertake other measures and took positions with 20-30 military men in the forest belt named "Isti-Su". At that time they had 2-3 automatic guns. At night from 14 to 15 June 1993, he returned to Lankaran city, came to the Military unit No. 704 and began to act in conformity with the requirements of the Law on Emergency state. He looked for the Head of the local Executive authorities and he was informed that the latter was detained in the commandant's office in order to prevent his escape and freezing of his duties. Besides it, he invited Huseyngulu Mammadov, head of the Executive authorities of the district, M.N.Kazimov, chief of municipal police department and V.R.Asadov, chief of Agriculture department and Mirmehdi Aliyev, chief of the Council of People's Deputies of the city was also present at the talks. In the course of

talks they decided to hold session of People's Deputies the day later, 15 June. Deputies assembled to hold session, but Huseyngulu Mammadov was absent. He, A.A.Humbatov was informed that assembling of H.Mammadov with his adherents in the headquarter of People's Front and freezing of their positions. In the session the shortcomings of the authority were stated and non-confidence was shown to the head of Executive authorities. For that reason, he addressed to the deputies requesting to adopt decision on the current situation, deputies requested him and Alovzat Aliyev to assume responsibilities of the head of Executive authorities. A.Aliyev agreed with this. Following the decision of the session he began to act as head of Executive authorities of the region. During his duties he was informed about non-acting of heads of Executive powers of regions and their actions based on corruption. With a view to establishing stability and normal working conditions not only in Lankaran city, but also in Lankaran area he began to appoint military commandants to regions and give them the competences of the head of Executive power of district. Following the request of S.Huseynov on 20 June 1993, he went to Ganja city and returned the same day to Lankaran city. Then he made a statement on the regional TV and declared himself as "Commander-in-chief" of the military units in the region. Since 21 June 1993 he began to control over the area and also ensured battles in the plain of Harami in order not let this area to be occupied by Armenians. The same year at the beginning of July, he went with Arif Rahimzadeh, deputy of the Milli Majlis to Lerik region and held meeting with people. Then when he came to Masalli region he found A.Rahimov, military commandant of the region lying on the ground in blood. In order to investigate this fact, he held discussions on the situation with the deputy head of Executive power, prosecutor of the region and chief of police department and returned to Lankaran. Having discussed with deputies and old men of the area the issues related the region, they concluded that the Heads of the executives authorities of the area should not be appointed from Baku. For that reason he wanted to hold an experiment, on this purpose sent invitations to 260 deputies of the area, on 7 August 1993 the assembly of the Republic of Talish-Mughan and the deputies decided by the majority of votes the establishment of the Autonomous Republic of Talish-Mughan, but not of the Republic of Talish-Mughan, and he was elected as President of that Republic. When the assembly was being held, S.Huseynov called him up and he informed the latter about holding of session. On 8 August 1993 deputies from Baku came to the region and on 10 August 1993 he went to Baku and met S.Huseynov. For the expectation of terror acts against him, a security group was decided to be established. On the presentation of A.Ramazanov 10 men were chosen for that group and they were provided with weapons. On 20 August 1993, he was invited to Ganja city for meeting and made a speech at that meeting. On 21 August 1993, he went to the battle area of Aghjabadi and saw people living this area. On August 23, 1993 he was engaged in funeral of martyr. The same day meeting was held in square and his resignation was demanded at this meeting. A.A.Humbatov considers it as a beforehand detailed and expedient plan. The same day after 18:00 p.m. V.Musayev and F.Huseynov were with him in Military unit N: 704, afterwards he heard N.Imranov and V.Novruzov having come. Hearing the voice of fire twice outside at about 9:00 p.m., he went out to cry for not to spill blood. But about 10:00 p.m. he reheard voices of fire, but he wasn't let to go out. Little time later he heard of intrusion of picketers into by the gate. The very moment he didn't give command to anybody to shoot. Afterwards he was informed that soldiers had shot to sky for warning. People were not shot from the military unit. Due to the conclusion of A.A.Humbatov, if the shot had been fired from inside, it would have caused the

killing of a great number of people, that is why it was not possible to shoot from the military unit to the place where were found bodies. Near dawn, he went out from the military unit to Lerik direction and was arrested on 9 December 1993. He got the pistol that had been found out in the safe in the cabinet of the head of Executive power of Lankaran region, from a military man who had not followed discipline rules. As far as the gun that Faig Mirzayev had, his wife gave it to him. But at that time in order to avoid her prosecution he made a false testimony to the investigation and declared that he gave himself the gun to F.Mirzayev. He was offered to escape from the isolator of the Ministry of National Security on 17 September 1994 and then understood it as an obscene act, but since the doors were opened in the night of 21 September, he run away together with others from the isolator. Concerning the cases of illegal deprivation of freedom, convicted A.A.Humbatov noted that he had called chief of police department of Jalilabad region and wanted to meet with R.Nuriyev who was arrested for gun that had been found out at his home after having resigned from his post and detained in the investigation isolator. For this purpose he went to Akif Hajiyeu's, chief of police department of Jalilabad region on 6 July 1993. Having learned that R.Nuriyev had been transferred to Baku, he got angry and gave order on taking the personnel of all prosecutor's office of this area to Lankaran city. He had not been aware of other cases of illegal deprivation of freedom mentioned in the judgment. Considering all his deeds done were within the law for that period A.A.Humbatov, in his testimonies also stated that because of rough actions in the period of activity and injustice he had arrested N.Mammadov who he had appointed as military commandant to Bilasuvar region and detained him in the guardroom for 5 days. Besides it he stated that illegalities had been done at that period and he used illegalities with a view to keeping the area in safety. Concerning the establishment of illegal armed groups, A.A.Humbatov stated that the above-said military unit N: 704 and battalion "Vel" as well were military units subordinated to the Ministry of Defense of the Republic of Azerbaijan. He didn't establish any armed unit unmentioned in the legislature and as well as didn't take part in their activity. Concerning the case of high treason, the convicted noted that he had not betrayed to the Motherland, he always was a man who loved one's Motherland and fought over it.

Though convicted A.A.Humbatov didn't consider himself as guilty for the stated indictment, his crimes explained in the descriptive part of the decision were totally proved on the basis in his partly confessing testimony and testimonies of numerous interrogated sufferers and witnesses, expertise opinions, documents and other factual files appended to the case in the following way.

Thus, Hajiyeu Mikayil Hajiverdi, who was one of the accomplices of A.A.Humbatov and one of the organizers and members of illegal armed units, stated at the trial that he had known A.A.Humbatov as deputy Defense Minister of the Republic of Azerbaijan and had not had any information of his demobilization from military services. At the beginning of June 1993, in order to avoid the establishment in Lankaran area the similar situation as existing in the Republic of Azerbaijan, A.A.Humbatov, head of the Executive power of Lankaran town and commander-in-chief of military units in the area as well appointed military commandants to regions. After having established, by the initiative and leadership of the latter, of the Republic of Talish-Mughan on 7 August 1993, the troubles in the region were prevented and stability was ensured. He – M.N.Najiyev was constantly in battle areas, but returned to Lankaran on 23 August 1993 and saw many people assembling in front of the military unit N: 704 and demanding A.A.Humbatov going out from the military unit. The very moment A.A.Humbatov was indeed in the headquarter. After having learned



the situation he went out and called on the crowd to scatter, as well as transmitted their messages to A.A.Humbatov.

When A.A.Humbatov wanted to go out from the military unit, V.Musayev, Deputy Minister of Defense, who was with him, informed A.A.Humbatov about the instruction of V.Novruzov, Minister of Internal Affairs, which was demanding of A.A.Humbatov to stay for that time in the military unit and consequently he stayed there. At this moment, when M.H.Hajiyev heard fire voice and went out, he did not see demonstrators in front of the gate, but numerous drunkards. He returned to the headquarter and informed A.A.Humbatov about his expectation of acts of sabotage. When he heard fire voice for the second time and went out, he saw the gate open and a man lying on the ground. He was immediately taken to hospital. The man was examined and it was concluded that he had not been killed by a bullet injure, but as the medical aid was not provided on time he died due to the bruising. Then M.H.Hajiyev, together with V.Musayev went to the building of the Executive power and held talks with V.Novruzov, N.Imranov and D.Jamalov there. The latter persons demanded of him to move A.A.Humbatov away from the military unit. Following this demand, he moved A.A.Humbatov away from the military unit in the car and when he was back he was arrested. But concerning battalion "Vel", the witness stated that that battalion had not been an illegal military unit and was established as new battalion in accordance with the new structure of the military unit N: 742, which envisaged its transformation to regiment. As in June and July 1993 much more military recruits than expected were sent by the Ministry of Defense to the military unit N: 704 and he was obliged to receive them, and the barracks condition was irrelevant for accommodation of the young soldiers in the military unit N: 704, he accommodated temporarily 70-80 young soldiers, who had taken the military oath in the training base of the military unit N: 704 located in the village Vel.

The witness Hajiyev Jabrail Hajiverdi, stated that in June 1993 he was one of the persons gone to "Isti-su" forest belt with A.A.Humbatov in order to protect the stability in the Republic with relation to the Ganja issues. The very moment he was under military service in the military unit N: 704, and knew A.A.Humbatov as the deputy Defense Minister. Nobody headed to the group that took position in "Istisu" forest belt. At night from 14 to 15 June 1993, he returned to Lankaran and on the instruction of A.A.Humbatov invited Huseyngulu Mammadov, head of the Executive authorities of the region to his place. But at the meeting of the next day, he was absent in the Session of Regional Council, and A.A.Humbatov did not give any instruction to him on occupation of any object. On 6 August 1993, together with A.A.Hummatov he went to Jalilabad region and on the instructions of the latter he invited the personnel of prosecutor's office to his place, he did not deprived illegally any one of the same persons of freedom and nobody gave him at all such instruction. The witness also stated that he had not held illegal searches in the village of Garghalig of Masalli region either autocratically or on the instruction of someone, they were not illegally deprived of freedom and he only eradicated the grouping existing in the village and reconciled them. At the same time, he executed the instructions of A.A.Humbatov accepting them as instructions of the person who he had considered as commander. He does not confirm his testimonies given in the course of preliminary investigation, as they were taken under physical pressure.

The witness Hajiyev Bakhtiyar Hajiverdi stated that he had worked as the deputy on the rear front in the battalion located in the village of Vel, and accepted A.A.Humbatov as commander-in-chief of the military groups in the area. On 23 August 1993, attendant on battalion called him up informing that the personnel should

have gone to battle. On this instruction, Shahin Aliyev, commander of division took 30 soldiers with him and went to the military unit N: 704. The same day at about 5:00 p.m. military men named Sahib and Azim came to the battalion by white car of mark "Niva" and informed of the necessity of sending military technique to battle position. In his turn he took 1 BTR and 1 BMP military machines and went to the military unit N: 704. There he saw V.Musayev, deputy of Defense Minister, as well as he saw afterwards F.Huseynov coming to the headquarter of the military unit and talking to A.A.Humbatov. At the same time, adherents of D.Jamalova held meeting in front of the military unit and demanded of A.A.Hummatov to leave the unit. He wanted to go home for his personal affairs, but he changed his mind after being informed that his brother expected to come from the battle area and young soldiers would take military oath. At about 8:00 p.m. evening, his brother – Mikayil came to the military unit and saw the crowd in front of the military unit holding meeting and appealed them to disperse. Not long afterwards the crowd, which had heard him and scattered, began again flowing to the front of the military unit and therefore Mikayil addressed the crowd with the same appeal. A little time later V.Musayev and F.Huseynov, being at A.A.Humbatov went to the Office of the Executive authorities, and after having returned from there went to the cabinet of commander. At this moment, shooting began and M.Hajiyev, V.Musayev and F.Huseynov went out from the headquarter and came down to the yard of the military unit. When M.Hajiyev asked the soldiers who they authorized to shoot, the latter persons stated that they had been compelled to shoot for warning as they were attacked. After shooting, he saw a man lying on the ground near the gate inside of the yard and heard that that person had been drunk and had been trampled by the crowd. Afterwards A.A.Humbatov was taken out from the military unit in an unknown direction, and was arrested at night of 23-24 August. As he was subjected to physical pressure during the preliminary investigation, he was obliged to give false testimonies under this pressure.

The witness Ramazanov Avaz Aghababa stated at the trial that he had been appointed as head of operative service of the military unit by the order N: 014 of the Defense Ministry on 21 June 1992. He had information about the return of A.A.Humbatov from "Isti-su" forest belt to the headquarter of the military unit N: 704 at night of 14/15 June 1993 and his presence there, but didn't know the reason of his arrival to the military unit. At the beginning of August, 1993, the creation of the Talish-Mughan Autonomous Republic was declared, A.Humbatov was elected as president of it, he – A.A.Ramazanov was appointed as commander of the established President's guard. Working as commander, he was not dismissed from his post. Colleagues of municipal police and soldiers of the military unit were under his subordination. Despite of A.A.Humbatov's protest, he established himself the guard in order to ensure his security and to provide public security and was not subordinate to anybody. For this purpose, he submitted an application to A.Humbatov, but there was not any order from his part. There were more than 10 members of the guard, they were provided with 10 automatic guns and 10 pistols. With a view to getting weapons, he wrote an application to A.Humbatov, after having resolution concerning the last application, on the basis of it he acquired guns from M.Hajiyev. He deprived himself officers of prosecutor's offices, police, national security agencies of the area of freedom and on the instruction of A.Humbatov freed them. On 23 August 1993 a meeting was organized by saboteurs on the square for intrusion into military unit. He explained them that he would not allow them get into military unit, at this moment was beaten with five-fingered instrument on his back, lost his mind and recovered in the premises of the brigade. The pistol on him was taken this very moment. IN order

to ensure the security of A.A.Humbatov and prevent the saboteurs, he gave instruction to soldiers not to allow anybody to enter to military unit, but neither he nor A.A.Humbatov gave instruction to shoot to people. Only warning fires were shot to the sky, nobody was killed from inside fires. The killed persons were not assassinated by the guns belonged to the military unit, but they were shot on their backs and sides by the guns of caliber 5,45. A.A.Ramazanov then stated that the military unit N: 704, as well as battalion "Vel" had not been military units mentioned in the legislature, but military units of the Defense Ministry of Azerbaijan Republic, subordinated to the Talish-Mughan Autonomous Republic.

The witness Nasirov Ali Gurban stated that at the beginning of June 1993, on the request of Huseyngulu Mammadov, head of Executive authorities of Lankaran region he went to the forest belt "Isti-su" in order to joint Alakram Humbatov. At that moment there were a lot of people with A.A.Humbatov, but he didn't know that they had weapons in their possession and he saw the armed military men only on his way. He met Alakram Humbatov and requested him to return to Lankaran, but the latter stated that he would return provided that H.Mammadov, head of Executive authorities of Lankaran region should resign. He transmitted the demand of Alakram Humbatov to H.Mammadov. On 20 June after Alakram Humbatov had been appointed as head of the Executive authorities of Lankaran region, he went to his workplace, he met some homeless persons in front of building of his Office and informed Alakram Humbatov of their condition. By the instruction of the latter, he repaired the military hostel and accommodated 120 homeless families there. Alakram Humbatov provided him with an office in the room 28 of the administrative building and he was in charge of housing and household issues of citizens. He didn't see any military man in the building where his office was situated and the building being protected. Alakram Humbatov had no guards and bodyguards, A.Nasirov was unaware of illegal deprivation of freedom ordered by him.

The witness Huseynov Sahib Baladadash stated that he was serving in army under contract. On 11 June 1993, on the order of his commander Nadir Baghirov he took 20-30 soldiers to the forest belt "Isti-su" and returned, but he didn't see any weapon with them. 2 days later he went to fetch those soldiers. The witness stated that no armed group had been formed in the forest belt "Isti-su" and he had not taken part in the activity of that group. On 23 August 1993, when he was in the military unit N: 704, he saw all volunteers coming there for the purpose of going to battle. At this very moment many people assembled in front of the military unit and was demanding A.A.Humbatov's resignation. They attempted to intrude into the area of the military unit and in order to prevent it, soldiers of brigade shot warning fire to the sky, in response to these, the fires were shot from outside and consequently the glasses of windows of the military unit were broken. The dead persons in front of the military unit had been killed by the fires shot from outside by the guns of 7,62 caliber. At that time the soldiers of the military unit were armed by the automatic guns of 5.45 caliber. A.A.Humbatov had no information about the establishment of National Guard in Lankaran, A.Ramazanov gave him the gun that had been found at his home with a view to holding it temporarily.

The witness Huseynov Dashdamir Shirinali giving identical testimonies in preliminary investigation and at trial, stated that he had served in equipment camp of the military unit N: 704 since June 1993. On 14 June 1993, A.A.Humbatov seized the building of the Executive authorities of Lankaran region and the headquarter of the military unit N: 704, and began to execute the duties of the head of Executive power. He was hired as his driver. On 23 August 1993, he saw people assembling in front of

the military unit N: 704, and A.A.Humbatov coming to the headquarter of the military unit at about 11:00 – 12:00 a.m. the same day. He heard people demanding his to go out from the military unit. At this time he went home because of his child's illness and the day later he got information about shooting in front of the military unit and killing of some persons.

The witness Baghirov Nadir Israfil stated that he had served as the deputy commander of the commandant's office division of the military unit N: 704 in 1993. On 23 August 1993, persons who were drunk and drug-addict held meetings first in front of the Offices of Executive authorities, then near to the entrance of the military unit and demanded A.A.Humbatov's resignation. The very moment they had fiery weapons and they attacked on the brigade. The soldiers of the military unit shot only to the sky in order to dissuade them. A.A.Humbatov gave no order to anybody to shoot people.

From the testimonies given by the witness Sadigov Javanshir Diyashar at the trial of the first-instance court and examined at the trial on the Appeal protest it can be seen that he had served as an officer in the military unit N: 704 and a PM mark pistol and an AKSU mark automatic gun were given to him. On 23 August 1993, having heard that the military unit N: 704 had been seized by the forces came from Baku, he went to the military unit, handed over the pistol on the eve of those events and but kept the automatic gun, which was seized by the police agents after the events. As the testimonies were given under the pressure during the preliminary investigation, he did not confirm those testimonies.

From the testimonies given by the witness Khalilov Sulduz Ibrahim at the previous court meeting, which were examined following the same procedure, it can be seen that he had not got any illegal instruction from A.A.Humbatov, no civilian had been taken to the commandant's office where he was working and had not been detained in the guardroom. On 23 August 1993 he was not on duty in commandant's office and he gave the testimonies under pressure during the preliminary investigation.

As it mentioned in the examined testimonies of the witness Gurbanov Ajdar Mahammad, he had returned to Lankaran from battle area on the order of M.Hajiyev on 23 June 1993 and he had been appointed as military commandant to Jalilabad region on the decree of A.A.Humbatov. Coming to Jalilabad he saw armed soldiers in the offices of the Executive authorities and 1 BMP mark battle car. He understood that they were taken here on the order of A.A.Humbatov. Within a sort time he drew all of them away from city. A.A.Humbatov came to the region and presented him as commandant, and there had been 8 armed soldiers at his disposal. Concerning the seizer of bakery plant, A.M.Gurbanov stated that on the request of the director of the plant he had sent soldiers there for the purpose of establishing order.

According to the examined testimonies of the witness Mammadov Naib Bahadur, he had been appointed as commandant to Bilasuvar region by the decree of A.A.Humbatov on presentation of M.Hajiyev on 11 June 1993. He did not go at work, as he had not got gun. On 15 July 1993 A.Ramazanov took him to Bilasuvar region and introduced him, afterwards he worked in total for 6-7 days and stated to Alakram Humbatov that because of illness he was not able to perform his duties. Therefore the latter arrested him and didn't go to anymore to Bilasuvar. During his activities he did not commit any unlawful action. As he was compelled to give testimonies under physical pressure during the preliminary investigation, he did not confirm those testimonies.

According to the examined testimonies of the witness Huseynov Gudrat Itifat, he had been appointed as commandant to Masalli region by the decree of A.A.Humbatov on the presentation of M.Hajiyev on 20 July 1993. As commandant he helped the regional administration in the management of economical issues in the region. On 6 August 1993, he had a call from Lankaran and received order to take the regional prosecutor to A.A.Humbatov. He informed A.Bayramov, the deputy prosecutor of the region about it, the latter stated that the prosecutor had not been in the region at that time and he was substituting for him. Taking the latter with him, he went to Lankaran. A.A.Humbatov was not in his workplace at that time. Then A.Bayramov saw the driver of the Lankaran region prosecutor there, asked him about the prosecutor of Lankaran region. The latter said that he was on the 4<sup>th</sup> floor. They went up together to the 4<sup>th</sup> floor. Kazim Kazimov saw them there and the latter stated to A.Bayramov that he was arrested and took him to the office of A.A.Humbatov.

The testimonies given at the trial by Hajiyev Mikayil Hajiverdi, Hajiyev Jabrayil Hajiverdi, Nasirov Ali Gurban, Huseynov Sahib Baladadash and Baghirov Nadir Israfil, and the investigated testimonies of Khalilov Sulduz Ibrahim, Sadigov Javanshir Diyashar, Gurbanov Ajdar Mahammad, Mammadov Naib Bahadur, Huseynov Gudrat Itifat show that though they described the picture of their committed crimes consecutively, generally they had tried to defend A.A.Humbatov, shield him from the criminal liability and legitimize the crimes committed under the leadership and guidance of A.A.Humbatov, as well as to the crimes committed with their execution.

Therefore, as the testimonies given by the witnesses before the court, as well as the investigated testimonies were denied by the confessing testimonies given within the preliminary investigation, the testimonies of a lot of victims and witnesses interrogated and investigated in the court, trial-medical opinions, trial-ballistic and trial-psychiatry examinations conducted several times on the case, examination protocol of the place of incident, material evidences and other factual points of the case the court collegium estimates them as pursuing the goal of defending the convicted A.A.Humbatov and does not accept those testimonies as evidences.

Concerning the testimonies of the witnesses having given during the preliminary investigation, as they correspond to the points of the case and are completed in this regard by the testimonies of the victims and witnesses interrogated before the court, the court collegium considers them as objective testimonies and puts them to the basis of the decision.

The Court collegium also notes that the testimonies of the mentioned witnesses given during the preliminary investigation were also estimated as objective testimonies by the judgment of first-grade court collegium of the Supreme Court of the Republic of Azerbaijan on criminal cases dated on December 15, 1995 on the conviction of Hajiyev Mikayil Hajiverdi and others.

M.H.Hajiyev, in his testimonies given during the preliminary investigation stated that A.A.Humbatov had taken position in the forest belt 11 on June 1993, he presented recommendations, on the request to A.M.Rahimov, on his appointment as commandant to Masalli region and on the demand of A.A.Humbatov, on appointment of N.B.Mammadov as commandant to Bilasuvar region, had established illegal armed groups unmentioned in the legislature in the village of Vel of Lankaran region at the beginning of July 1993 and provided this armed group with battle techniques consisting in 1 BMP and 3 BTR battle machines. He saw A.A.Humbatov with his 10 bodyguards in the Office of the Executive authorities of Masalli region on 8 July 1993, deprived illegally of freedom A.M.Rahimov, chief of Communications

Network of Masalli region and R.Shahbazov, deputy head of the Executive authorities of the region, provided the "National Guard" with 10 automatic guns and 10 pistols on 7 August 1993. He was present in the headquarter during the shooting on ordinary people assembled in front of the entrance of the military unit on 23 August 1993. At that moment saw 1 BMP, 1 BTR and 1 BRDM battle techniques there and Baghirov Nadir and his band of volunteers, Ramazanov Avaz, Huseynov Sahib, Nasirov Azim, Karimov Zulfugar, the soldiers under subordination of his brother Hajiyeu Bakhtiyar, the members of the armed forces under leadership of N.Baghirov and A.Ramazanov. He also saw 1 BTR battle machine that stayed in front of central entrance door in the yard of military unit firing shot. After shots he saw a civilian lying in 5-6 meters from the central entrance door of the military unit, sent the same man to medical station. At that night took A.A.Humbatov away from military unit to Lerik region, took 1 F-1 mark hand shell, 990 patrons of 5,45 caliber and 2 pieces UZRQM parts of battle ammunitions to his home and kept them in the house of his father, where he lived temporarily.

In his testimonies Hajiyeu Jabrayil Hajiverdi confirmed that on 11 June 1993 he went together with A.A.Humbatov and others to the forest belt "Isti-su", they came to Lankaran town in order to seize the state objects with the armed group at night of 14-15 June. A.A.Humbatov dismissed H.Mammadov, Head of the Executive authorities of Lankaran town and sent him to the guardroom of the military commandant's office and performed his duties. On the instruction of A.A.Humbatov he deprived illegally of freedom A.Hajiyeu, chief of police department of Jalilabad region, the deputy to the regional prosecutor, two assistants and driver of the latter, N.H.Taghiyev, prosecutor of Lankaran region.

During the investigation, Hajiyeu Bakhtiyar Hajiverdi stated that his brother – J.H.Hajiyeu together with A.A.Humbatov had seized forcefully the power in Lankaran and surrounding regions, another brother – M.Hajiyeu had established battalion consisting in 3 divisions of 80 men in the village of Vel of Lankaran region and provided that battalion with 3 BMP, 1 BTR and 3 snipers, about 100 automatic guns. He was appointed by the order of A.A.Humbatov as deputy commander on rear front of that battalion. At 5:00 p.m. on 23 August 1993 he armed and sent 30 soldiers to the headquarter of the military unit N:704 on the order of A.A.Humbatov. At the same time S.B.Huseynov and A.A.Nasirov came to see him and transmitted him the order of A.A.Humbatov about delivery of battle techniques to the headquarter of the military unit. Following this instruction he took 1 BTR and 1 BMP with their crews there. The people had been holding peaceful meeting in front of the military unit and demanding the surrender of A.A.Humbatov. At this moment about 100 armed soldiers, as well as A.A.Ramazanov and his armed unit, S.B.Huseynov and A.A.Nasirov were present in the yard of the military unit. His brother - M.H.Hajiyeu's came to the military unit N: 704 at about 8:00 p.m. evening and put them on the order of A.A.Humbatov along the enclosing wall. A.A.Ramazanov's group fired shots at 9:00 p.m. and they drew the body of the killed person away to somewhere. Then in his testimony he stated that he had seen neither the civilians assembled in front of the entrance door of the military unit N: 704 did not have weapons nor they fired to the military unit.

In his testimonies given during the preliminary investigation, Nasirov Ali Gurban confirmed that A.A.Humbatov seized by means of his armed bands the building of the Executive authorities of Lankaran region of and he executed the duties of the Head of Executive authorities. On the proposal of the latter he was sitting in the room 28 of that building and was in charge for the housing and other such problems of citizens.

On 23 August 1993 the local population rose against A.A.Hummatov and his bands and demanded their surrender. At about 6:00 p.m he came to the entrance door of the military unit N: 704. and campaigned for the A.A.Hummatov's ideas as one of his adherents.

During the preliminary investigation Baghirov Nadir Israfil indicated that he had gone to the forest belt of "Isti-su" together with about 24 persons under the leadership of A.A.Hummatov on 11 June 1993. At this very moment they had in their possession 2 automatic guns and 1 "Mukha" mark grenade launcher. The same year at night of June 14-15, on the order of A.A.Hummatov he seized the military commandant's office of Lankaran garrison with help of 5 men. J.H.Hajiyev seized the headquarter of the military unit N: 704 with 7 men and A.A.Hummatov himself with about 40 armed men seized the building of the Executive authorities of Lankaran town. On 2-8 July 1993, on the order of A.A.Hummatov and with the help of a group of armed military men he took part in the seizure of the building of the Executive authorities of Jalilabad region. On 14 July 1993, together with A.A.Ramazanov, N.B.Mammadov and 40-50 armed soldiers, and with 4 BRDM battle machines he went to Bilasuvar region and took part in the seizure of the building of the Executive authorities. The same period N.B.Mammadov was appointed as military commandant to the region by A.A.Hummatov. On 24 August 1993 during the search in his apartment N.I.Bagirov lets the soldiers under his subordination to enter to his apartment in order to submit 3 AKS-74 mark automatic guns, 1 hand shell and 210 patrons of 5,45 caliber, which were found out there to the police department of the region.

In his testimonies given during the investigation Mammadov Naib Bahadur confirmed that A.A.Hummatov had appointed him as military commandant to the region of Bilasuvar on the basis of the recommendation of M.H.Hajiyev on 17 July 1993. He came to Bilasuvar region together with A.A.Ramazanov and N.M.Baghirov and about 30 armed soldiers, as well as a number of BTR battle cars, started his work and worked up to 3 August 1993.

In the testimonies given during the preliminary investigation Karimov Zulfugar Alakbar stated that he joined A.A.Hummatov on 17 June 1993. S.Verdiyev, commander of the military unit N: 743 was dismissed for non-execution of the order and he was appointed as commander of the military unit N: 743 in place of S.Verdiyev by the order of M.H.Hajiyev. He armed about 30 soldiers and took them to Azadlig square during the well-known events in Lankaran town on 23 August 1993. At that very moment unknown soldiers' fired shots at the sky. He had S.Verdiyev, former commander of the military unit N. 743 the same day. At about 6:00 p.m. he came to the headquarter of the military unit, stayed there at night of August 23-24 and massive fires were shot from the yard of the military unit at about 9:00 p.m..

In his testimonies Sadigov Javanshir Diyashar confirmed that A.A.Hummatov's armed group seized the headquarter of the military unit N: 704. On 30 June 1993 M.H.Hajiyev called him and ordered to defend A.M.Rahimov, military commandant appointed to the Masalli region and the building of the Executive authorities. On 1 July 1993 together with A.M.Rahimov they broke the door of the office of the head of Executive authorities of the Masalli region with an axe and entered there. On the order of A.M.Rahimov he took illegally A.Niftiyev, head of the Executive authorities of the region and delivered to the guardroom of the military garrison in Lankaran. Besides himself other 17-18 armed military men were protecting A.M.Rahimov. He fired on the people assembled at the central entrance door of the Executive authorities on 8 July 1993. Then he run away in the direction of "Gizilaghaj" circle. Here he

joined M.H.Hajiyev who had in his disposal 40-45 soldiers, 1 BRDM and 1 QAZ-66 machines and took part in the seizure of the building of Executive power of Masalli region. He served in "National Guard" established in August 1993 and together with Nasirov Azim, Akbarov Kamran and Huseynov Sahib protected the building of Executive authorities of Lankaran region in August 1993. On 23 August 1993 on the order of A.A.Ramazanov he went together with Nasirov Azim and Akbarov Akbar to Sh.Talishinski's place, chief of military hospital of Lankaran garrison in order to deprive illegally him of freedom. He gave his service gun to A.M.Rahimov on August 23, 1993 for the purpose of keeping.

In his testimonies given during the preliminary investigation Khalilov Sulduz Ibrahim stated that he had worked as military commandant of Lankaran garrison on the order of the Ministry of Defense of the Republic of Azerbaijan since 1 March 1993. The same year at night of 14-15 June N.I.Baghirov seized with his armed group the military commandant's office of Lankaran garrison. Other members of the group under supervision of A.A.Humbatov seized the building of the police department of Lankaran region, the headquarter of the military unit N: 704 and the Office of the Executive authorities of Lankaran region. Consequently H.Mammadov, head of Executive authorities of Lankaran region and M.Kazimov, chief of municipal police department of Lankaran were put into the guardroom of the military commandant's office of the military garrison of Lankaran. Heading all these illegal actions of the armed group, A.A.Humbatov appointed military commandants to the regions. In this manner, all the area was administered till 23 August 1993. A lot of officials and civilians were detained in arrest within different periods in the military commandant's offices supervised by himself or in the guardroom of the commandant's office. On 23 August 1993, he saw many armed military men in the yard of the military unit N: 704 and massive fires shot from the yard of the military unit at about 9:00-11:00 p.m..

During the investigation the witness Huseynov Sahib Baladadash stated that he took A.A.Humbatov and the members of the illegal armed group to the forest belt "Isti-su" in the "KAMAZ" mark automobile with state number plate 41-08 MN. He stayed together with them. J.Hajiyev had 1 AKS mark automatic gun and A.A.Humbatov had in his possession 1 grenade launcher. On 14 June 1993 at about 11:00 p.m. he took in the same car 10 military men of this armed group to the headquarter of the military unit N: 704 located in Lankaran town and on the order of A.A.Humbatov and under command of J.H.Hajiyev they seized it. Another 10-12 military men seized under command of Baghirov Nadir Israfil the military commandant's office of Lankaran garrison. Under the command of A.A.Humbatov the rest of the group seized the building of the Executive authorities of Lankaran region at night of 14-15 June 1993. On 22-23 August because of illness of driver of A.A.Humbatov, who was executing the duties of the head of Executive authorities of Lankaran region, he had driven his service car of "NIVA" mark and white color. On 23 August 1993 on the order of A.A.Humbatov he went together with A.Nasirov to see B.H.Hajiyev, deputy commander of rear front issues of "Vel" battalion, in this service car of "NIVA" mark in order to bring armed soldiers and battle techniques to the yard of the military unit N:704. B.H.Hajiyev came together with them to the military unit and brought about 30 armed soldiers, 1 BMP and 1 BTR battle machines to the yard of the military unit N:704. At that moment the members of "National Guard", as well as Karimov Zulfugar together with the soldiers in his subordination were there. He saw also N.Baghirov in the headquarter of the military unit. On 20 June 1993 he got 1 PM mark pistol with N: Q 88836 on the order of A.A.Humbatov



and on 23 August 1993 he received 1 PM mark pistol and an automatic gun from A.A.Ramazanov.

In his testimonies Huseynov Gudrat Iltifat confirmed that A.A.Humbatov seized the building of the Executive authorities of Lankaran region at night of 14-15 June 1993 and he had armed soldiers around himself, since he had been appointed as military commandant of Masalli region by the Decree of A.A.Humbatov of 17 July 1993 on the recommendation of M.H.Hajiyev. On 20 July 1993 he came together with A.A.Ramazanov to the Office of the Executive authorities of Masalli region and the latter introduced him to A.M.Rahimov, who was already sitting in the office of the Head of Executive authorities and was acting as military commandant. A.M.Rahimov got angry for this appointment and expressed his discontent to M.H.Hajiyev. He indicated that A.A.Ramazanov and M.H.Hajiyev were the closest partisans of A.A.Humbatov. Besides that, A.M.Rahimov stated that while he was working as military commandant in Masalli region, he had been protected by about 30 armed men. On 6 July 1993, on the order of J.H.Hajiyev he took A.Bayramov, deputy prosecutor of Masalli region to Lankaran town to A.A.Humbatov's place.

Gurbanov Ajdar Mahammad stated in his testimonies that on 23 June 1993 M.H.Hajiyev called him back from battle area and introduced to him the decree of A.A.Humbatov about his appointment as military commandant to Jalilabad region. Two days later, M.H.Hajiyev aware of the presence of N.I.Baghirov with a group of military men in Jalilabad region and gave him instruction to go there as military commandant. Following this instruction, he came to Jalilabad and saw the presence of unknown military men in and in front of the building of Executive authorities of the region, as well as 1 BMP battle machine in front of the building. Having shown the decree signed by A.A.Humbatov to the servants of the Executive authorities, he introduced himself as military commandant. There were 8 armed men at his disposal. The same day he came to see B.M.Mikayilov, deputy head of the Executive authorities. On the complaint of a woman B.Mikayilov went to bakery plant with 2 military men, but he returned soon as he had not found the director there. The day later, A.M.Gurbanov came to see M.Hajiyev and informed him about his intention not to work as military commandant and went back to the battle area. About a week later, returning from battle area to Lankaran, he went to Jalilabad on his way in order have information on the situation there and never came back to the Office of the Executive authorities of Jalilabad region.

According to the testimonies of the witness the Akbarov Kamran Gurban given during the preliminary investigation and examined before the court the armed unit established by A.A.Humbatov seized the building of municipal police department at night of 14-15 June 1993 and took Kazimov Mirhuseyn Mustafa, chief of municipal police department to the guardroom of the military commandant's office of Lankaran garrison. At the beginning of August 1993, he expressed to A.Ramazanov his intention to serve in the "National Guard", the latter agreed upon it. Consequently he got 1 automatic gun, 1 pistol and patrons from A.Ramazanov on 12 August and a day later began to serve in the guard and guarded personally A.A.Humbatov. Sadigov Javanshir Diyashar, Huseynov Sahib Baladadash, Nasirov Azim Aziz and others together with him served in the "National Guard" and the commander of this armed unit was A.Ramazanov. A.Ramazanov gave also automatic guns and "Makarov" mark pistols to other members of the guard. On 23 August 1993, on the command of A.Ramazanov, he went together with J.D.Sadigov, S.B.Huseynov and A.A.Nasirov to the hospital in order to take Talishinski, chief of military hospital of Lankaran to the A.A.Humbatov's office. The witness stated in his testimonies that M.H.Hajiyev

followed A.A.Humbatov's orders and they acted in collaboration. Following the seizure of the building of Executive authorities of Lankaran region by the armed groups at night of 14-15 June 1993, J.H.Hajiyev, A.G.Nasirov and U.B.Kalbiyev had worked with A.A.Humbatov in the Executive authorities of Lankaran region.

In his testimonies given at the previous trial K.G.Akbarov confessed that he served in the "National Guard" commanded by A.Ramazanov on the basis of his order. He got fiery weapon from him and kept it, and guarded the building of the Executive authorities where A.A.Humbatov had his office.

At the court meeting Aliyev Alovzat Khudu stated that at about 11:00-12:00 p.m., 11 June 1993, J.Hajiyev, N.Baghirov, S.Huseynov together with about 80 armed military men went under the command of A.A.Humbatov to the forest belt "Isti-su" and after having stayed there for 3 days, at night of 14-15 June 1993 came to Lankaran town, attacked on the building of the Executive authorities of Lankaran region, the headquarter of the military unit N: 704, the building of municipal police department of Lankaran region and the military commandant's office of Lankaran garrison. On the instruction of A.A.Humbatov, those persons took H.Mammadov, head of the Executive power of Lankaran region, his deputy, V.Asadov, chief of agriculture and food department of the region, Mirhuseyn Kazimov, chief of municipal police department of the town to the military unit N: 704, where was A.A.Humbatov. Then they were arrested and detained in the guardroom of the military commandant's office. Besides that, the witness said that on 15 June 1993, A.A.Humbatov, with the help of armed men he succeeded in being elected as head of the Executive authorities of Lankaran region at the session of Lankaran town council. Little time later he declared himself as commander-in-chief of all military units in the area and appointed military commandants to Lankaran, Masalli, Jalilabad, Bilasuvar, Astara, Lerik, Yardimli regions, established diverse armed groups and organized attacks on state authority buildings in the regions, as well as on officials and civilians. He detained them in guardroom, and in other places and illegally deprived them of freedom.

The victim Asadov Vagif Rza stated at the court meeting that on the instruction of A.A.Humbatov, J.H.Hajiyev attacked with the help of about 30 armed men on the building of the Executive authorities of Lankaran region at about 11:00-12:00 p.m., 14 June 1993 and seized it. Consequently, on the instruction of A.A.Humbatov and with the help of armed men J.Hajiyev took him, as well as Huseyngulu Mammadov, head of the Executive power, Mirhuseyn Kazimov, chief of municipal police department of the town to the military unit N: 704 to A.A.Humbatov's place. Then put them to the guardroom of the military commandant's office and detained them there for 5 hours.

According to the testimonies of Mammadov Huseyngulu Mammad, which were examined at the court, on the instruction of A.A.Humbatov, J.H.Hajiyev entered in his office together with other armed men and took him, as well as V.Asadov, Mirhuseyn Kazimov to the military unit N: 704, he was detained for an hour in the guardroom, for 4-5 hours in the military unit.

Interrogated as a witness at the court meeting Nahmatov Khudat Habib stated that while he was in the workplace as a guard of the Executive authorities of Lankaran region, at about 11:00-12:00 p.m., 14 June 1993, about 10 armed military men came up to the entrance door of the building of Executive authorities and demanded of him to open the doors. But he refused to open the doors, and then one of those armed men kicked the door and the door opened. Having entered in they broke the telephone lines and went upstairs. About half an hour later A.A.Humbatov came there and gave

instruction to J.H.Hajiyev to arrest H.Mammadov, V.Asadov and M.Kazimov and to bring them to the military unit N: 704, to his place and the latter executed this order.

Interrogated as a witness at the trial Taghiyev Natig Masi gave identical testimonies.

The witness Bashirov Mirnizar Mirmustafa stated that at about 11:00 p.m. 14 June 1993, he heard about the seizure of the building of Executive authorities of Lankaran region by A.A.Humbatov's armed group and while he was going there he had seen 15-20 armed men in the building and A.A.Humbatov in the office of the head of Executive authorities. At the very moment, J.Hajiyev, D.Huseynov and several unknown armed persons were together with A.A.Humbatov. There he met A.A.Humbatov. About half an hour later the latter went with 7-8 armed men to the headquarter of the military unit N: 704, the rest of the military men remained in the building of Office. In his testimony the witness also confirmed that H.Mammadov, V.Asadov and M.Kazimov had been deprived of freedoms by A.A.Humbatov.

At the court meeting the victim Niftiyev Aghaddin Aslan stated that on 1 July 1993 under the command of A.Rahimov, who was appointed as commandant to Masalli region by A.A.Humbatov, the armed men seized the building of the Executive authorities and broke the door of his office and entering in. The same day at about 2:00 p.m. when he came to his office and entered in, on the order A.Rahimov his bodyguard of J.D.Sadigov took him to the guardroom of the military commandant's office of Lankaran garrison and he was detained there for 2 hours.

According to the testimonies examined at the court meeting of the victim Abiyev Hasanagha Alipanah, who previously worked as first deputy head of the Executive authorities of Masalli region, on 1 July 1993 the armed men headed by Arif Rahimov, who was appointed as commandant to the region by A.A.Humbatov, entered in the building of the Executive authorities of Masalli region and seized it. They broke the door of the office of the head of the Executive authorities and entered in. When A.Niftiyev came to his workplace, at that moment he was taken to the military commandant's office in Lankaran town and his driver Elbeyi Baghirov was detained in the office of the head of the Executive authorities under the supervision of armed persons. A.Rahimov stated that he had been appointed as military commandant to the region by A.A.Humbatov and gave instruction to H.A.Abiyev to perform the duties of head of the Executive authorities, but he refused to do it. H.Abiyev also stated that in the evening of the same day M.Hajiyev came to Masalli and asked of Mirgabil Huseynov to execute the duties of head of the Executive authorities of Masalli region. During the period when A.Rahimov was commandant, the building of the Executive authorities was guarded by 10-12 armed men. On 8 July 1993 at about 3:00-4:00 p.m. people of the region assembled in front of the building of the Executive authorities and demanded of A.Rahimov and his armed group to leave the region. The bodyguards of A.Rahimov fired on them, consequently Sudef Gafarov and Azad Mammadov, residents of the region got body injuries. Approximately an hour and a half later J.H.Hajiyev, together with about 100 armed soldiers and military techniques, seized again the building of the Executive authorities of Masalli region, and about half an hour later in the office of the head of Executive authorities, A.A.Humbatov gave an instruction to J.H.Hajiyev to arrest him and Novruz Novruzov, chief of region soviet. On the order of J.Hajiyev, 2 armed men took them in a lorry and carried to the village of Goyushavan of Lankaran region and again returned them to Masalli region. So, they were illegally deprived of freedom for 2 hours and a half. When he was under arrest, he saw J.Hajiyev beating savagely Ramzi Khalilov, resident of Masalli region and the latter was detained for 3 hours in the

lorry. About a week later A.Rahimov came to Masalli region and on the instruction of A.Humbatov, deprived of freedom Rafig Shahbazov, deputy head of the Executive authorities of the region, Afsar Hasanov, director of winery, Fidai Ibadov, driver and sent them to the military commandant's office of Lankaran garrison. H.Abiyev also confirmed that the appointment of G.I.Huseynov as commandant to Masalli region by A.A.Humbatov on 20 July 1993 and the presence of armed persons of military dressed in the building of Executive authorities at that time.

The victims Novruzov Novruz Gafar, Shahbazov Rafig Mehrali and the witness Huseynov Mirgabil Mirhuseyn gave the same testimonies before the court.

The testimony of I.G.Abbasov examined at the trial confirmed again this case as it exposed.

The victim Baghirov Elbayi Zulfu stated before the court that on 1 July 1993 after the military men had seized under the command of A.Rahimov the building of the Executive authorities, on the order of the latter the head of the Executive authorities was taken by J.D.Sadigov, A.Niftiyev and other persons to the military commandant's office, but he was detained, on the order of A.Rahimov, by the armed persons in the reception room of the head of Executive authorities from 2:00 p.m. up to 9:00 p.m. the same day. On 8 July 1993 the residents of Masalli region assembled in front of the building of Executive authorities and demanded of the armed group to leave the region. Then J.D.Sadigov fired on the people, but S.Gafarov snatched the gun out J.D.Sadigov's hands and the people entered in the building of the Executive power. An hour and a half later, about 100 armed men of military dresses came in 1 BTR battle machine, 1 QAZ-66, 1 KAMAZ and 1 QAZ-24 automobiles and seized again the building, firing on the sky. The victim also confirmed that A.A.Humbatov came to the building of Executive authorities. The armed men took H.Abiyev and N.Novruzov to somewhere by KAMAZ automobile and took them back to the Office of the Executive authorities 2-3 hours later.

While confirming the testimonies of H.A.Abiyev and E.Z.Baghirov, N.G.Novruzov stated in addition that on 8 July 1993 when the armed group of A.Rahimov fired on the people, A.Mammadov and S.Gafarov got body injures. The same day about 100 armed men under the command of J.Hajiyev resealed the building of Executive authorities. From 31 July to 7 August 1993, when he was treated in the hospital, on the instruction of A.A.Humbatov G.Huseynov came to his place and demanded of him insistently to give the list of 21 old men and deputies for their participation at the meeting of People's Assembly scheduled to be held in Lankaran town under the presidency of A.A.Humbatov, but he refused to follow this demand.

The witness Shammadov Gasham Yunsur stated at the court meeting that on 1 July 1993 when he was in the workplace as security officer in the building of Executive authorities of Masalli region, several armed men entered in the building of the Executive authorities and asked him about the place of the head of Executive authorities, then they went upstairs to his office of the latter. As the door of the office was closed, they broke it and entered in. Consequently, A.Niftiyev was taken with the help of several armed men to Lankaran town. There were armed men in the building of Executive authorities and on 8 July 1993 the armed men guarding A.Rahimov fired on from fiery weapons and caused injures to civilians. On 20 July 1993 G.I.Huseynov was appointed as military commandant to the region.

Interrogated at the court meeting the victim Gafarov Sudef Abbas stated that on 8 July 1993, he had been among participants of the demonstration held in front of the building of Executive authorities with a view to protesting against the illegal actions of A.A.Humbatov, A.Rahimov and other persons in the region. At about 3:00 p.m. in

order to disperse the demonstration the armed men who had seized the building of the Executive authorities fired on the people and one of the fired bullets injured his leg. A bit later, A.A.Humbatov came to the building of the Executive authorities with armed men and J.Hajiyev hit on his stomach by the trunk of the automatic gun in his hand. On the command of A.A.Humbatov he was taken to the guardroom and detained illegally there for 3 days and was tortured.

According to the testimony given by the victim Khalilov Ramzi Tofiq during the preliminary investigation, on 8 July 1993 he had been among the people assembled in front of the building of the Executive authorities of Masalli region, at about 3:00 p.m. the armed men of military dresses who seized the building fired on the people and two persons were injured. At about 6:00 p.m. the armed men under the command of J.Hajiyev came to the building of the Executive authorities, the same time the latter person beat him hitting on his face and stomach in order to take him to A.A.Humbatov's place. Then, he was taken with H.Abiyev and N.Novruzov by the lorry and he was deprived of freedom for about 3 hours.

In his testimony given during the preliminary investigation the victim Gafarov Sakhat Abbas confirmed that on 1 July 1993 A.Rahimov, with the help of armed men, had seized the building of the Executive authorities, broke the door of the office of the head of Executive authorities by the means of an axe and entered in. A.Niftiyev, head of the Executive authorities and his driver - E.Baghirov were illegally deprived of freedom. He also noted on 8 July 1993 the armed men fired on the ordinary people assembled in front of the building of the Executive authorities with a view to protesting against the illegal actions of A.Rahimov and other armed men. A.Mammadov and S.Gafarov had been injured as a result of those shoots. Under the command of J.Hajiyev the armed men dispersed the demonstration and seized again the building of the Executive authorities. A.A.Humbatov came also there with the armed men. Besides that, the victim stated that on 11 July 1993 unknown military-dressed men came, on the instruction of J.Hajiyev, to his apartment and took him with another victim - Shahadat Babayev to the guardroom of the military commandant's office of Lankaran garrison and detained them there for 3 days illegally, because of their refusal to support A.Rahimov.

Hasanov Afsar Mursal, the victim interrogated at the court meeting, and Ibadov Fidai Adish, whose testimony had been examined before the court, gave the testimonies of similar content and confirmed that they had been taken to the building of the Executive authorities by the armed men sent by A.Rahimov on the instruction of A.A.Humbatov and had been illegally deprived of freedom.

So the testimonies of the victims and the witnesses interrogated on the case confirm that the armed men assembled round A.A.Humbatov attacked under the command of A.Rahimov on the building of the Executive authorities of Masalli region on 1 July 1993, seized it and deprived illegally of freedom A.Niftiyev and others.

Besides that, on 8 July 1993, 2 persons were wounded by the fires shot by the members of the armed group in order to disperse the people assembled for demonstration in front of the building of the Executive authorities with a view to protesting against the illegal actions of A.Rahimov and other members of this armed group.

The opinion N: 58 of the forensic expertise dated 1 March 1994 shows that there had been injuries on the back surface of the right hand of Sudeyf Gafarov and on 1/3 of the surface of the right shin. These injuries can be caused from the effect of brushing of the bullet.

The opinion N: 59 of the forensic expertise dated 1 March 1994 shows that the injuries on the left shin and on other left part of the body can be caused by the splinters generated from the explosion of the battle munitions.

According to the opinion of the forensic expertise dated 2 March 1994, the bruising on the limited areas of soft muscles of Ramzi Khalilov were determined and those injuries were caused by the blow from a blunt tool.

It was determined by the afore-mentioned opinions that Sudeyf Gafarov, Azad Mammadov and Ramzi Khalilov's injuries are attributed, for their degree of seriousness, to the injuries causing short-term health disturbance with light body injuries and the date of those injuries corresponded to 8 July 1993.

Interrogated as victim at the court meeting Bayramov Alasgar Rashid stated that he had hidden I.G.Abbasov, the prosecutor of the region in a safe place after having heard about his search by G.I.Huseynov who was acting as commandant in the region on the instruction of A.A.Humbatov. The same day at about 2:00 p.m., G.I.Huseynov came to his workplace and stated that A.A.Humbatov had instructed him to take the prosecutor to him, but as he did not find I.Abbasov, demanded of him to go and see A.A.Humbatov. He threatened A.R.Bayramov in case of his refusal. So, while he – A.R.Bayramov came together with G.Huseynov to the Office of the Executive authorities of Lankaran town, he saw the prosecutors of Astara, Lankaran and Jalilabad regions, police chiefs and other officials taken also there by A.A.Humbatov. Then the victim stated that he had been deprived of freedom under the supervision of armed men till about 1:00 p.m. on 7 August in the building of the Executive authorities of Lankaran region.

Interrogated at the court meeting the victim Mammadov Gurshad Maharram stated that at about 9:00 a.m. on 13 August 1993 he had been sent to the guardroom of the military commandant's office of Lankaran, as he did not follow the illegal instructions of A.Humbatov. There he was beaten by the military dressed men, was deprived illegally of freedom and detained till 3:00 p.m. 15 August 1993.

According to the testimony of the witness Mammadov Islam Maharram, G.M.Mammadov was beaten and illegally deprived of freedom, because he did not follow the illegal instruction of A.A.Humbatov.

The victim Hajiyevev Akif Hajimirza stated that at about 10:00 a.m. on 6 August 1993, A.A.Humbatov, J.H.Hajiyevev and armed men of military dresses came to Jalilabad region in order to meet R.Nuriyev who had been arrested by him for illegal actions. But as the latter had been transferred to Baku city, he didn't succeed in meeting him. For that reason A.A.Humbatov got angry and offended him roughly. Besides that, on the instruction of A.A.Humbatov, he, as well as M.Kazimov, A.Mirzayev, A.Aliyev, G.Shahverdiyev, officers of the prosecutor's office of the region had been sent to the military commandant's office of Lankaran garrison, had been detained there and were deprived illegally of freedom till 1:00 p.m. 7 August.

The victim Mikayilov Baghi Oruj, whose testimony had been examined, stated that A.Gurbanov, appointed as military commandant to the region by A.A.Humbatov seized, with the help of 15 armed military men, the building of the Executive authorities of Jalilabad region on 25 June 1993. On 2 July 1993, under the command of A.A.Humbatov, A.Gurbanov, N.Baghirov and 60-70 armed men of military dresses attacked again on the building of the Executive authorities, seized it with the help of battle techniques. The same day A.A.Humbatov held meeting with officials of the region and old men in the Office of the Executive authorities. The participants who made speeches expressed their protests against his acts. On 8 July 1993, on the instruction of A.A.Humbatov N.I.Bagirov resealed with the help of armed men and

battle techniques the building of the Executive authorities. Following the instruction of A.Humbatov N.I.Bagirov dismissed him from the execution of the duties of the head of the Executive authorities and illegally deprived him of freedom for 3 hours in the office. Then the victim stated that following seizure of the building of the Executive authorities of the region, on 25 June 1993 A.Gurbanov went with armed soldiers to the bakery plant, since they did not find the director in his office, came back. 2 days later he heard that armed soldiers had been placed in the bakery plant.

According to the examined testimonies of the victim Zeynalov Ismayil Idris, he went in relation to his duties to Baky city on 25 June 1993. 1-2 days later when he came to his office, he saw armed soldiers in the plant. In order to clarify who had sent them, he went to see B.Mikayilov, head of the Executive authorities. The latter stated that he was not aware of it and sent him to see A.Gurbanov. A.Gurbanov informed him that he had sent armed men. Then the witness stated that the same persons seized the bakery plant and stayed there. They occupied his office, during their presence terrified the people firing over them. The bullet holes remain still on the ceiling of the bakery.

Isgandarov Huseynbala Aghakhan, Hajiyeve Fazil Bahlul and others interrogated as witnesses on the case, stated separately that at the end of June 1993, A.Gurbanov attacked on the bakery plant with armed men, they seized it and kept the plant under control about a month.

Interrogated as witness on the case Kazimov Mirjavan Rza stated that on 6 August 1993 at about 10:00 a.m. J.H.Hajiyeve came with 3 armed men to the regional prosecutor's office of Jalilabad, where he was working and asked about the prosecutor. He went out, but 10 minutes later returned and gave command to the armed men to arrest him. Then J.H.Hajiyeve asked the driver of the prosecutor's office – G.Shahverdiyev about the place of the prosecutor, when the latter said that he did not have information about his place, he stroke on the stomach of the driver and G.Shahverdiyev fell down. Consequently J.H.Hajiyeve kicked on the sides of G.Shahverdiyev and repeatedly asked about the place of the prosecutor. He began to strangle him. But as he got no answer, he gave instruction to his men to take him, as well as A.Aliyev, senior assistant of the prosecutor. The armed men took them to the front of the building of the Executive authorities, he saw A.A.Humbatov staying there with A.Hajiyeve, chief of police department. A.A.Humbatov asked him about the place of the prosecutor, when he said that he had no information about it, A.A.Humbatov said indecent insult to the address of the prosecutor and instructed the armed men to take his family there. J.H.Hajiyeve began to beat A.Mirzayev, senior assistant of the prosecutor of the region and at that time A.A.Humbatov didn't pay any attention to the request of A.Aliyev to cease beating A. Mirzayev. Then, on the instruction of A.A.Humbatov, armed men took him, as well as A.Hajiyeve, A.Aliyev, A.Mirzayev and G.Shahverdiyev to the guardroom of the military commandant's office of Lankaran garrison. About at 2:00 p.m. Aslan, driver of the prosecutor of Lankaran and half an hour later N.Taghiyev, prosecutor of Lankaran region was taken to the commandant's office. At about 3:00 p.m. they were taken to the building of the Executive authorities of Lankaran region under the supervision of 2 civilians. The victim also stated that half an hour later than they had been taken to the Executive authorities of Lankaran region, S.Suleymanov, prosecutor of Astara region and a bit later A.Bayramov, deputy prosecutor of Masalli region and M.Mirzayev, assistant of the prosecutor of Bilasuvar region were also taken there. They were under the supervision of armed men, were not allowed to go out of the building and were detained till 1:00 a.m. at night in the building.

Interrogated as victim at the court meeting Mirzayev Abil Sarkhan gave the same testimonies and stated that J.Hajiyev had entered in his office, took by his arm and took him forcibly in the car and beat him in front of the Office the Executive authorities. Then he was taken to Lankaran town and deprived of freedom.

The witness Niftaliyev Faig Aslan stated that on 6 August 1993 he was on duty in the prosecutor's office of Jalilabad region, at about 10:00-11:00 a.m. J.H.Hajiyev came with 5-6 armed men to the prosecutor's office. They asked first about the place of the regional prosecutor. As they did not find him, they threatened M.Kazimov, deputy prosecutor, A.Aliyev, senior assistant of the prosecutor, A.Mirzayev, assistant of the prosecutor and G.Shahverdiyev, driver of the prosecutor and took them away in car. A day later he heard that those persons had been deprived of freedom.

According to the statement of the victim Taghiyev Nazim Husu at the court meeting, on 6 August 1993 in the Office of the Executive authorities of Lankaran region A.A.Humbatov stated in presence of J.H.Hajiyev and A.Nasirov that he would arrest him and officers of other administrative bodies. Being accompanied by 2 unknown armed men he had been taken to the guardroom of the military commandant's office of Lankaran garrison on the instruction of A.A.Humbatov. There he saw A.Hajiyev, chief of the police department of Jalilabad region, M.Kazimov, deputy prosecutor of the same region and other officials of the prosecutor's office. After being held for 2 hours in the commandant's office, on the instruction of A.A.Humbatov he was taken to the building of the Executive authorities of Lankaran region, he was illegally deprived of freedom and detained there till 1:00 a.m. 7 August 1993 under the supervision of armed men.

The victim Suleymanov Salim Mahammad stated that on 6 August 1993 at about 2:00 p.m., he came to his office – the prosecutor's office of Astara region, he saw military lorry staying near to the prosecutor's office. The armed men in the lorry demanded of him to go to A.A.Humbatov's place and on the insistence of the latter persons he was compelled to go to the Office of the Executive authorities of Lankaran region. On the instruction of A.A.Humbatov, he was deprived of freedom and he was detained in the building of the Executive authorities of Lankaran region under the supervision of armed men till 1:00 p.m. of 7 August 1993. At that time he saw N.Taghiyev, M.Kazimov, A.Hajiyev and other victims being illegally detained there.

Interrogated as victims at the court meeting the following residents of the village of Garghalig of Masalli region, Abbasov Muzaffar Asad, Novruzov Atabala Hajiali, Ibayev Jabrail Huseyn, Gambarov Hafiz Mammadali and Rzayev Elkhon Avaz stated separately that because of the cases of embezzlement of state property and inactions in Garghalig farm, they filed complaints to different bodies and organizations. For that reason, A.A.Humbatov and J.H.Hajiyev sent armed men to the village of Garghalig at about 2:00 p.m. on 23 July 1993 in order to defend the management of farm. Those persons held illegal searches in their homes, took them in the lorry to the building of the Executive authorities of Lankaran region, to the office of J.H.Hajiyev. J.H.Hajiyev sent them to the commandant's office of Lankaran garrison and put them in the guardroom. They had been detained there till 1:00 p.m. of 24 July 1993. Then, about 100 residents of the same village went to the office of A.A.Humbatov in Lankaran and demanded the liberation of above-mentioned people. Therefore they were taken to the Office of the Executive authorities of Lankaran region. There J.H.Hajiyev organised a confrontation between them and the persons which they had complained about. At that moment J.H.Hajiyev had pistol and he stated that if their complaints would not be confirmed, he would take them to the forest and shot them. Despite it, under the pressure of people the mentioned people were freed.



The Victim Miriyev Avaz Matlab stated at the trial that as they filed complaint to the Office of the President about the illegal actions of A.A.Humbatov and his armed group, when he had talks with Ingilab Bahirov, Zakir Shahbazov, Adil Huseynov, Afgan Nasirov, Arastun Heydarov and Shakir Mirzayev in the center of the region 5-6 armed men encircled them and took them to the building of the Executive authorities of the region. N.Mammadov who was staying in front of the building, took them to the second floor and beat him and Arastun Heydarov. Not satisfied with this N.Mammadov took him to his office of commandant, said to his address indecent insults, beat him and threatened. Then at about 11:00 p.m., on the instruction of the latter, they were taken in the lorry to the military commandant's office of Lankaran garrison, they were detained in the guardroom and were illegally deprived of freedom. As he was the director of the bakery plant, in order to avoid the stop of the work of the plant he was freed at that night. A.Heydarov, A.Huseynov, A.Nasirov and Sh.Mirzayev were detained in the guardroom till 1:00 p.m. of 26 July 1993.

Huseynov Adil Ali, Shahbazov Zakir Vakil, Afgan Yadulla and Heydarov Arastun Allahverdi gave testimonies of similar content and confirmed that N.B.Mammadov was illegally acting as commandant in Bilasuvar region and he had battle techniques and armed men at his disposal. On 24 July 1993 the same armed men attacked on them and took them to the building of the Executive authorities of the region. There N.B.Mammadov insulted them, beat Miriyev Avaz Matlab and Heydarov Arastun Allahverdi with rubber cudgel. On his instruction they were taken by the armed men to the guardroom of the military commandant's office of Lankaran region at about 11:00 p.m. and were illegally deprived of freedom. The victims also stated that when they were detained in the guardroom, A.A.Humbatov received them and talked to them, asking them to support his illegal actions and not to be act against him.

Interrogated as victims at the court meeting, Aghayev Ali Ismayil stated that at about 10:00 a.m. on 17 July 1993, armed men came to his home and took him forcibly to the building of the Executive authorities. At that time, some other persons some unknown to him had been there. N.B.Mammadov, commandant insulted and beat him and other persons detained with him. They were detained in the building of the Executive power and were illegally deprived of freedom till about 1:00 a.m. at that night.

The victim Aghayev Aflatun Shukur confirmed that at about 9:00 p.m. on 17 July 1993, by the instruction of N.B.Mammadov, 5-6 armed men attacked on his house and took him to the building of the Executive authorities of Bilasuvar region. N.B.Mammadov insulted and beat him. He was illegally deprived of freedom and detained till 1:00 a.m. at that night in the building of the Executive authorities.

In his testimonies given before the court the victim Feyzullayev Elkhan Tazakhan also confirmed that at about 11:00 a.m. on 10 August 1993, he had been taken by N.B.Mammadov and other armed men to the building of the Executive authorities. There he was beaten, was illegally deprived of freedom and detained till 1:00 p.m. at that night.

The victim Feyzullayev Saleh Etibar stated before the court that on 10 August 1993, N.B.Mammadov attacked with armed men on his apartment, beat and took him to the building of the Executive authorities. There he was detained under the supervision of armed men till 1:00 a.m. on 11 August 1993 and was illegally deprived of freedom.

According to the examined testimony of the victim Hasanov Ogtay Arab, on 17 July 1993, 2 armed men forcibly took him to the building of the Executive authorities

of Bilasuvar region. He was detained with other 10-12 men under the supervision of armed men from 10:00 p.m. up to 1:00 a.m. at that night and was illegally deprived of freedom.

Interrogated before the court the victim Mukhtarov Rzakhan Balabay stated that at about 1:00 p.m. on 7 July 1993, on the invitation of Yashar Shukurov, appointed as military commandant to Lerik region by A.A.Humbatov, he went to the building of the Executive authorities of the region. There Yashar Shukurov slapped and kicked him and brought him down. But he was not satisfied with this and he kicked on his head, face, eyes and nose. Then Y.Shukurov picked him up, squeezed M.R.Balayev's head between his legs, bound his hands from behind and took him to the cellar of the building, detained him there for an hour. Afterwards Y.Shukurov sent him to the guardroom of the military commandant's office of Lankaran garrison and 3 hours later S.Khalilov, chief of the commandant's office took him to A.A.Humbatov's office. As the latter was absent there, they were received by A.Nasirov. A.Nasirov freed him provided that he should not complaint and should be treated at home. According to the victim, because he campaigned against the illegal actions of A.A.Humbatov, A.Nasirov demanded of A.A.Humbatov that measures on him should be taken and he considered his beating and deprivation of freedom by Y.Shukurov were results of that order.

According to the opinion N: 49 of the forensic expertise dated 9 April 1994, injures resulted in shake of head-brain and the bruising of the left eye were caused to R.Mukhtarov. Therefore he got stationary treatment in 8-19 July 1993. Those injures had been considered as slight body injures causing to short-term health disturbance.

The case materials show that the residents of Lankaran town held protest demonstration against the illegal actions of A.A.Humbatov and his armed unit, demanding their surrender. At that moment members of the armed unit fired on the sky in order to terrify the people on "Azadlig" square of the town. But the people did not yield, continued their demands. Thus A.A.Humbatov and his armed unit have been settled in the military unit N: 704 and brought battle techniques to the military unit in order to resist the ordinary people.

Consequently, a group of people came to the gate of the military unit, demanded of them to submit their weapons and to surrender. At about 9:00-11:00 p.m. they fired several times on the sky, then on the people. As a result, 2 men were killed and some others got different type of body injures.

In their examined testimonies before the court Vidadi Azimov and Elshan Nuriyev, soldiers of the military unit N:743, stated that since alarming signal sounded, they and other soldiers had been armed by Z.A.Karimov and taken to "Azadlig" square in 2 groups on the pretext of burying martyrs. There had been many people assembled in the square at that time. They had been commanded to prevent people and not to let them enter in the building of the Executive authorities and to fire by automatic guns to the sky in order to terrify them. Z.A.Karimov himself and other persons fired to the sky by the automatic guns. Z.A.Karimov had beaten S.Verdiyev because he commanded to the soldiers to return to the military unit. The latter and the soldiers did not fulfill the illegal commands and returned to the military unit.

Interrogated as victim at the court meeting, Talishinski Shamsaddin Akbar stated that at about 10:00 a.m. on 23 August 1993, A.G.Nasirov, K.G.Akbarov and J.D.Sadigov, armed with pistols and sharp knives, came to the hospital in the car driven by S.B.Huseynov and wanted to take him forcibly to A.A.Humbatov's office. But the servants of the hospital did not let them to do it. The servants of the hospital got angry at those actions of the armed men, took him with them and went to the

building of the Executive authorities of Lankaran region. The armed men did not want to let the people in the building of the Executive authorities, fired over the heads of the people in order to terrify them. Despite that, the people managed to get in the building of the Executive authorities, which had been seized by A.A.Humbatov and his adherents. But they did not find the latter there. Residents of the region joined the servants of the hospital and assembled on "Azadlig" square, in front of the Executive authorities, and demanded of A.A.Humbatov and his armed group to stop their illegal actions and to surrender to the authority bodies. As the assembled people on the square knew that A.A.Humbatov was in the military unit N:704 together with his adherents, they went there and held demonstration in front of the entrance door. At that moment they were shot, as a result 3 men were killed and some others were wounded.

Witness Mammadov Boyukagha Heydar stated at the court meeting that on 23 August 1993 he had been in 5-meter distance from the gate of the military unit N: 704, among the people assembled in front of this entrance door and demanding the surrender of the armed men. At that moment he proposed to M.H.Hajiyev to pass to people's side and not to shoot on the people. But the latter ignored his proposal and at that very moment fires were shot from the yard of the military unit. When he addressed to M.H.Hajiyev for the second time, again fires were shot from the yard of the military unit. Then Soltan Bayramov, who was near to him, had been shot and he fell down. At that moment one another person was wounded. He also saw Pasha Tahmazov taken forcibly by soldiers to the yard of the military unit and being beaten there. Later he heard that the latter person had died.

Victim Mammadov Sayadulla Asad stated that on 23 August 1993 he took part in the protest demonstration held in front of the military unit N: 704, which was intended to demand of A.A.Humbatov and his adherents to surrender and to hand in their weapons. At that moment, the lights in the yard of the military unit were put off. Then the entrance door of the military unit opened, the armed men drew forcibly Pasha Tahmazov into the yard of the military unit, and fires had been shot from the military unit over the people. One of the bullets had got on his left side and Yagub Mammadov, who was staying near to got also bullet injure.

In his examined testimony before the court, victim Mammadov Yagub Alasgar stated that he took part in the protest demonstration held in front of the military unit N: 704 and was staying in 3-4-meter distance of the entrance gate. The people wanted to get into the military unit. At that moment the lights were put off in the military unit. Then the gate of the military unit opened and fires were shot first to the sky, then on feet of the people. One of the bullets was shot on his left leg.

Given the similar testimonies before the court, victim Gambarov Avaz Akbar stated that the armed men fired first to the sky, then to the people and one of bullet was shot on his right side.

Victim Guliyeva Lalakhanim Avaz stated before the court that on 23 August 1993 her husband – Etibar Aliyev took part at the demonstration held in front of the entrance gate of the military unit N: 704. He was injured from the shooting fired from the yard of the military unit, was sent to the military hospital and died there.

According to the interrogation at the previous trial and to his testimonies investigated, on 23 August 1993, in front of the entrance gate of the military unit N: 704 his brother – Soltan Bayramov was injured on his stomach by the bullet shot from the yard of the military unit. He was taken to the hospital and had a surgery. At about 6:00 a.m. on 24 August 1993 he died because of bullet injury.

Witness Bayramova Sevinj Seyfaddin stated before the court that when his father – Soltan Bayramov was in front of the military unit N: 704, he got injury from the shooting and died from the bullet injury.

Victim Akbarova Zemfira Yusif stated that P.G.Tahmazov had been killed following the beating after being drawn to the yard of military unit from the entrance door.

According to the record on the examination of the corpse of P.G.Tahmazov dated on 24 August 1993, no bullet injury was found out on his body. There was a bruise of uncertain shape on 1/3 of the top part of the left thigh with a size of 11 x 7 cm. Down below of that bruise, there were oval-shaped injuries with sizes of 0,6 x 0,5 cm going up to the pelvis area. The injury areas were swollen and with hemotoma.

As indicated in the record on external examination of the corpse of deceased Etibar Aliyev, there were oval-shaped injury of light blackish color and with uncertain boundary, in 0,5 x 0,4 cm size on right side of the chest, in line with the right armpit and on the 4<sup>th</sup> rib level. A bruise of uncertain shape, with hemotoma, in 6,0 x 5,0 cm size was found out on the left side of the chest in the line of the left armpit between the 8<sup>th</sup> and 9<sup>th</sup> ribs.

According to the opinion N: 21 of the forensic expertise dated 19 January 1994, there was a injury caused by a bullet gone through the right half of the chest of victim Sayadulla Mammadov. The time of the injury corresponded to 23 August 1993 and it was considered as heavy body injury causing danger for life.

Following the forensic expertise dated on 19 January 1993, open breaks of the left thighbone, as well as injuries and bruising on the left thigh were found out on the body of victim Yagub Mammadov. These injures had been caused by a shot front a fiery weapon and the date of the injuries corresponded to the date of 23 August 1993. The injures were considered as the heavy body injuries dangerous for life.

According to the record on the material evidences, the 5,45 caliber bullet of the automatic gun "Kalashnikov" had been taken from the left leg of victim Yagub Mammadov during the surgery and had been added to the files of the criminal case. The bullet was warped.

According to the opinion N: 22 of the forensic expertise dated 19 January 1994, there was an injury on the right leg of Avaz Gambarov and this injury had been caused by a shoot from fiery weapon. The date of injury corresponded to the date of 23 August 1993 and it was considered as slight body injury causing a short-term health disturbance.

According to the opinion N: 490 of the forensic expertise dated 24 January 1993, on the body of victim Aliagha Taghiyev the bruising was found out on the right and left temples, and on the right side of the chest. There were scratches on the left ear and on left elbow. It was determined that the injuries had been caused by the blows from a blunt tool and theirs date corresponded to 23 August 1993. As for degree of seriousness they had been considered as slight body injures causing a short-term health disturbance.

As it is seen from the record of the inspection of the place of events dated 24 August 1993 and the scheme of the place of events, inside of the yard of the military unit No. 704, on the rights side of the entrance gate in 60-80 cm and 85 cm distance from the ground there had been found out points of impacts, which were dented under effect of a hard thing, warped and bleached. There were also a hole looking like being caused by a bullet gone through the iron of the gate in the 105 cm distance from the ground on the gate, a hole of 1x1 cm size on the frame of the gate in 105 cm distance from the ground, 2 points of impact of 1/3 cm. on the wall of guard's room near to the

gate, a 2x2 cm hole at the height of 80 cm from the ground on the gate inside of the yard and a hole of 0,6x0,6 cm at the perpendicular direction to the latter hole and at the height of 240 cm on the iron frame of the guard's room. The glass of the window of this room was broken. In front of the entrance gate, in "1 May" street, at the top of back wall of the house No. 2 one bullet hole and on the left of this house two bullet holes were found out. There were 202 used cartridge-cases and 2 cartridges spread over the ground. The presence of 1 BMP-1 battle machine targeting the gate in 15 cm distance was determined. Near to the military unit in Rasulzadeh street, in 6-metre distance in the parallel area to the enclosing wall, dark spots looking as bloody spots and in 25-metre distance in Rasulzadeh street on asphalt road the same kind dark spots of chain shape had been found out.

According to the opinion No. 4076/4077 of the legal-ballistic expertise dated 4 October 1995 ordered by the court during the consideration of the case on M.Hajiyeu and others, there were damages on the apartment building located at the crossroads of Rasulzadeh and E.Aliyev streets, entrance gate of the military unit, supervision station of the military unit N: 704 in Lankaran town. Those damages had been caused by the impact of shots of copper cartridges of about 7 mm in diameter fired from fiery weapons. They could have been caused under impact the cartridges of 7,62 calibers used in the AK, AKM, AKS mark automatic guns and the RPK, RPKS mark hand machine guns. The damages found out on the supervision station of the military unit, entrance gate and apartment building were caused the shots fired from the yard of the military unit. The hole on the right side of the gate was caused when it was open.

Interrogated before the court, A.A.Humbatov, as well as witnesses – M.H.Hajiyeu, J.H.Hajiyeu and others stated in their testimonies that on 23 August 1993 the crowd in front of the military unit attacked on the military unit, the fires front the yard of the military unit were shot to the sky, no fire was shot on the people. Drunk and drug addict people were assembled in front of the military unit and on "Azadlig" square and provocateurs fired to the people from outside the military unit.

Besides that, they indicated that Pasha Tahmazov was not killed as a result of beating in the yard of the military unit, but as he was drunk he wanted to climb over the enclosing wall, then he fell down and got injuries. He died as a result of these injuries.

Referring to the above-mentioned facts, the court collegium concludes that those evidences should be rejected as being groundless.

Such conclusion of the court collegium is based on the following evidences.

Interrogated as witness before the court Janmammadov Rasim Shirgasim indicated that on 23 August 1993 he went with Amrali Mammadov to hold talks with A.A.Humbatov with a view to transmission of the demand of the people asking his surrender. A.A.Humbatov took his automatic gun and said, "I myself will slaughter these sons of dog" and wanted to go out. But persons around him did not let him out. A.A.Humbatov stated to him that he had given instruction to soldiers to shoot over the people if they entered in.

On the basis of the testimonies of the witnesses and victims interrogated before the court, as well as other commented evidences of this case, it is determined that the military unit No. 704 was seized at night of 14-15 June 1993 and was under supervision of the illegal groups till 23 August. People got angry about the illegal actions of those illegal groups held demonstration in order to demand their surrender to the state authorities.

According to the testimonies of the witnesses and victims interrogated on this case, civil people assembled in front of the military unit had not got weapons. The

shots were fired from the military unit and as a result there were some dead and wounded persons.

A.A.Humbatov, M.H.Hajiyev and others stated at the court meeting that at time of the incident they had got guns of 5,45 caliber, but the damages on the gate of the military unit are corresponding to fires shot from the guns of 7,62 caliber.

Their testimonies are completely denied by several evidences collected on this case.

Thus, according to the testimonies of Huseyn Sujayev, interrogated as witness at the trial on M.H.Hajiyev and others, as well as to a number of documents issued in the military unit No. 704, which had been submitted by him to the court, at that time there were all kind weapons, including of guns of 7,62 caliber in the military unit. Along with it, he was aware that J.H.Hajiyev and M.H.Hajiyev had automatic guns in their possession automatic guns of 7,62 caliber, acquired illegally.

Besides that, according to the record of the examination of place of incident, there were found out cartridge-cases of 5,45 and 7,62 calibers in diverse parts of the military unit

As it is indicated in the records of searches and seizure, which were investigated before the court, there were found out 3 AKS-74 mark automatic guns, 2 F-1 mark grenade, 210 cartridges of 5,45 caliber in the apartment of N.Baghirov, 1 F-1 mark and 1 RQD-5 grenades, 8 cartridges of 9 mm caliber in the apartment of J.Hajiyev, 1 F-1 grenade, 1 UZRQM slow-match, 950 cartridges of 5,45 caliber in the apartment of Mikayil Hajiyev, one AKSU-74 automatic gun, 2 "Makarov" pistols, 60 cartridges of 5,45 mm caliber and 24 cartridges of 9 mm caliber in the apartment of Sahib Huseynov.

These weapons and battle ammunitions, as well as 1 "Makarov" pistol and 16 cartridges of 9 mm. caliber were examined by the trial-ballistic expertise. According to the relevant opinion, those weapons and ammunitions were in good state for battle.

Even though A.A.Humbatov's testimony, which was saying that the gun in question had been taken from an undisciplined officer is true, it does not free him from criminal liability, because he had no authorization given him the right to hold and bear a gun.

According to the information on the pages 78 and 85 of the volume 18 of the case, by the decree No. 1 of A.A.Humbatov dated 23 June 1993, lieutenant-colonel M.H.Hajiyev, captain A.M.Gurbanov and lieutenant Y.T.Shukurov had been appointed as military commandant respectively to Lankaran town, to Jalilabad region and to Lerik region. By the decree No. 4 dated 30 June 1993 lieutenant-colonel A.M.Rahimov had been appointed as military commandant to Masalli region, by the decree No 7 dated 10 July 1993 N.B.Mammadov to Bilasuvar region and by the decree N: 10 dated 19 July 1993 lieutenant G.I.Huseynov to Masalli region.

It appears from the application written by M.H.Hajiyev to A.A.Humbatov, N.B.Mammadov had been recommended to the post of military commandant to Masalli region.

The creation by A.A.Humbatov of illegal armed groups is confirmed in the attestation given by the Ministry of Defense of the Republic of Azerbaijan.

According to the attestations No. 3/1-055 of 1 March 1994 and No. 3/1-1271 of 24 March 1994 issued by the Ministry of Defense of the Republic of Azerbaijan, which were filed in the volume 18, on the pages 142-143, from 11 June 1993 to 23 August 1993 there were no "National Guard" and "Vel" battalion neither within the military unit No. 704 located in the territory of Lankaran town, nor within the structure of the Ministry of Defense of the Republic of Azerbaijan.

The indictment on the A.A.Humbatov for the creation of illegal armed groups is confirmed by the judgment of the Supreme Court of the Republic of Azerbaijan dated 15 December 1995 on M.Hajiyeu and others.

Witness Mirzayev Faig Azadkhan stated at the court meeting that on the instruction of N.Sh.Imranov he had provided A.A.Humbatov, R.Gaziyeu and others prisoners detained in the investigation isolator of Ministry of National Security, with foods in non-authorized quantity and of forbidden kinds and had organized their meetings. On 21 September 1994 he organized their escape and later himself with his wife and son had hidden together with A.A.Humbatov in diverse apartments in Lankaran town. When he was hiding, as he had afraid of being killed, he got 1 "TT" mark pistol and 30 cartridges by means of A.A.Humbatov's wife – S.Rasulova. When he reminded to A.A.Humbatov about his and N.Sh.Imarnov's intention to organize a coup d'Etat, the latter stated with determination that he had already assembled armed groups and he was waiting for order from Baku, ready for the coup d'Etat. Then F.A.Mirzayev indicated that when such time A.A.Humbatov was saying to him to "be patient, all things will be all right", he was aware that they had been talking about the organization of a coup detach, because even the escape of A.A.Humbatov, R.Gaziyeu, B.Nazarli and others of the investigation isolator was intended to organize of a coup d'Etat in Azerbaijan. In 1995 when he was talking to him, he stated again that "be patient, all thing will be soon all right, I got letter from R.Gaziyeu, shadow cabinet is already created, A.Mutallibov will be the President, S.Husseyinov the Prime Minister, Shahin or Vahid Musayev the Minister of Internal Affairs and himself one the heads of the Ministry of National Security".

Witness Mirzayeva Aida Mais stated that she had got information from his husband about the escape of A.A.Humbatov and others from the investigation isolator on the instruction of N.SH.Imranov, Minister of Ministry of National Security. Then she was hiding with his husband and son in different places in Lankaran and A.A.Humbatov made them believe that he would organize soon a coup d'Etat.

Court collegium considers that A.A.Humbatov's testimonies in which he was saying that "TT" pistol and 30 cartridges were given to F.Mirzayev by his wife and at that time he told a lie in order to defend her in the court, should not be taken as true. Thus, these testimonies are denied by his testimony given during the first trial and by the testimonies of witnesses F.A.Mirzayev and A.M.Mirzayev.

Witness Pashayev Arif Fakhraddin confirmed in his testimony given at the court meeting that he had escaped together with A.A.Hummatov and others from the investigation isolator.

According to the opinion No. 103 dated 5 October 1995 of the legal-psychiatric expertise, A.A.Humbatov is not mentally ill and when he committed crimes, which he is accused of, he was in his mind. No case of psychiatric troubles or characteristics of mental illness were determined. He was able to assess his acts and direct them. Referring to his mental state he has currently capacity to assess his acts and direct them. His case is not covered by Article 11 of the Criminal Code (old redaction) and he did not need a compulsory treatment.

Thus, on the basis of evidences collected on this case and examined in full, comprehensive and objective manner at the first-instance and appeal courts it has been determined that A.A.Humbatov plotted against the internal security of the Republic of Azerbaijan, established illegal armed groups in order to seize forcibly the power, to overthrow the constitutional structure of the state, to attack on offices, organizations and institutions, took part in their activity, provided those groups with ammunitions and military matériel, he acquired and keep illegally a fiery weapon. By the help of

those groups he had seized the power in a big part of Azerbaijan, appropriated the power of official persons and gave illegal orders and instructions. These acts resulted in heavy consequences - the stability had been troubled, the life and health of people had been put under danger, a lot of people had been deprived of freedom, 3 persons were dead, 2 persons got slight injuries and serious damages were caused to their health, the regional population got moral damages.

On the basis of the above-mentioned, the court collegium considers that the commission by A.A.Humbatov of the above-said crimes are proved by his partly confessing testimonies before the court, testimonies of the victims and witnesses interrogated at the court meetings and given during preliminary investigation, expertise opinions collected on the case, the records of examination of the incident place, of seizure of material evidences and on other interrogation actions and other facts of this case.

Regarding the determination of A.A.Humbatov's crimes, based on the provision of Article 10.3 of the Criminal Code of the Republic of Azerbaijan, come into force on 1 September 2000, on the retroactive effect of the law on reduction of punishment or improvement in other manner of the conditions of the person committed crime, the court collegium considers possible the modification of the judgment of 12 December 1996 on A.A.Humbatov by replacing the application of the articles of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000 with the respective articles of the Criminal Code of the Republic of Azerbaijan come into on 1 September 2000, in the following manner:

- Acts on introduction autocratically of himself as an official person and seizure of power of official persons – part 2 of Article 192 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000 to Article 310 of the Criminal Code of the Republic of Azerbaijan come in force at that time;
- Acts on acquisition, carrying and keeping of fiery weapon and battle ammunition without relevant authorization – the parts 2-3 of Article 220 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000 to Article 228.1 of the Criminal Code of the Republic of Azerbaijan come in force at that time;

Along with it, taking into account that A.A.Humbatov's acts intended to seize forcibly the power in contradiction to the Constitution of the Republic of Azerbaijan and characterized by the body in charge for the preliminary investigation and the first-instance court in accordance with Article 57 the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000 are covered by Article 278 of the Criminal Code of the Republic of Azerbaijan come in force on 1 September 2000, the court collegium considers advisable to assess not under Article 57, but under new Article 278.

Besides that taking into account that according to Article 51 of the Criminal Code of the Republic of Azerbaijan the confiscation of property consist of the seizure in compulsory manner and without of compensation of the tools and means used by convicted person for commission of crime, as well as the proceeds of crime in favor of the State and no such property was defined on this case the court collegium considers that the provision ordering the confiscation of the property as an additional punishment decided on the basis of part 3 of Article 70-2 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000, should be removed from the



judgment and the punishment under this article, as well as the main punishment should be determined without confiscation of property.

Choosing punishment measure on defendant person A.A.Humbatov, the court collegium takes into account along with other crimes the commission by A.A.Humbatov of crimes against state authority, the nature of other crimes and the degree of public danger, their serious consequences, as well as the points characterizing the personality of the defendant.

Referring to above commented and based on Articles 397.1, 397.2, 398.1.4 and 405.1.2 of the Criminal Code of the Republic of Azerbaijan, the court collegium on the cases of military courts of the Court of Appeals of Azerbaijan Republic

### **CONCLUDED :**

To change the part concerning A.A.Humbatov in the judgment of the first instance Military Collegium of the Supreme Court of the Republic of Azerbaijan dated 12 February 1996 on conviction of A.A.Humbatov under Article 57, part 3 of Article 70-2, part 2 of Article 192, parts 2 and 3 of Article 220 and part 2 of Article 185 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000.

To determine the criminal acts of A.A.Humbatov as follows:

- acts intended to seize forcibly the power – replace Article 57 of CC of the Republic of Azerbaijan in force up to 1 September 2000 with Article 278 of the Criminal Code of the Republic of Azerbaijan come into force on 1 September 2000;

- acts on introduction autocratically of himself as official person and seizure of power of official person – replace part 2 of Article 192 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000 with Article 310 of the Criminal Code of the Republic of Azerbaijan come in force on 1 September 2000;

- acts of acquisition, carrying and keeping of fiery weapon and battle ammunition without appropriate authorization – replace parts 2 and 3 of Article 220 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000 with Article 228.1 of the Criminal Code of the Republic of Azerbaijan come in force 1 September 2000.

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To deprive A.A.Humbatov of freedom for 12 (twelve) years under Article 278, 2 (two) years under Article 310, 3 (three) years under Article 228.1 of the Criminal Code of the Republic of Azerbaijan in force since 1 September 2000.

To remove from the judgment the provision ordering the confiscation of the property as an additional punishment decided on the basis of part 3 of Article 70-2 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September

2000 and to determine the punishment under this article without confiscation of property;

In accordance with Article 38 of the Criminal Code of the Republic of Azerbaijan in force up to 1 September 2000 and the requirements of the Law of 10 February 1998, uniting the punishments decided by the judgment dated 12 February 1996 on A.A.Humbatov and by the present judgment and covering the less serious penalty by more serious penalty, to hold on A.A.Humbatov the penalty of life imprisonment without the confiscation of property.

To hold the rest of the judgment without changes.

CHAIRMAN: signature  
JUDGES: signatures

It is correct with original:

Chairman on the case - signature Sh.Y.Yusifov

Seal : Court of Appeals of Azerbaijan Republic.