

PUBLIC

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UA 209/06 Health concern/Fear of torture or ill-treatment/Legal Concern

AZERBAIJAN Ruslan Bashirli (m)]
 Said Nuri (m)] members of *Yeni Fikir* youth movement
 Ramin Tagiyev (m)]

Ruslan Bashirli, Said Nuri and Ramin Tagiyev, members of a political youth movement, *Yeni Fikir* ('New Idea'), were convicted of plotting to violently overthrow the government, after an unfair trial. Both Ruslan Bashirli and Ramin Tagiyev are at risk of torture or other ill-treatment in detention. According to reports, Ruslan Bashirli is not receiving the medical treatment he needs for head injuries allegedly sustained during torture. Said Nuri, who was given a suspended sentence, is also being denied treatment for a serious medical condition.

Ruslan Bashirli was arrested on 3 August 2005, Said Nuri on 12 September 2005 and Ramin Tagiyev on 16 September. Following his arrest Ruslan Bashirli was allegedly tortured at the Organized Crime Unit of the Ministry of Internal Affairs, where Azerbaijani human rights activists have previously documented cases of torture. According to his lawyer, doctors at the Bayil Prison in the capital, Baku, where Ruslan Bashirli is currently being held, suggested that he may have lost consciousness due to blows to the head. Ruslan Bashirli was also pressured to incriminate opposition politicians, which he refused to do.

The three men were convicted of "actions aimed at the violent overthrow of the Azerbaijani government" under Article 278 of the Azerbaijani Criminal Code. The prosecution alleged that the three were among members of *Yeni Fikir* who had attended seminars organized by the American non-governmental organization the National Democratic Institute, at which strategies for overthrowing the Azerbaijani government were supposedly discussed. Ruslan Bashirli was also accused of meeting with Armenian secret service agents in Tbilisi, Georgia, and accepting US\$2,000 from them to finance a coup d'état (Azerbaijan has been formally at war with Armenia since 1991 as a result of a territorial dispute). Ruslan Bashirli admitted that the meeting had taken place, but said he believed he was meeting with Georgian civil society activists and the money received to be intended for democratization activities in Azerbaijan. No evidence was brought at the trial suggesting that the three accused intended to engage in violence, for example through the purchase of weapons. The court only heard testimony from prosecution witnesses, and in contravention of Azerbaijani law, no jury was appointed as required in cases of crimes punishable by life imprisonment. After the defendants refused to appoint lawyers in order to conduct their own defence, the court appointed lawyers to represent them. These lawyers were allegedly not familiar with the materials of the case, to the extent of reportedly not knowing their clients' names.

On 12 July, the three men were sentenced. Ruslan Bashirli was sentenced to seven years' imprisonment, Ramin Tagiyev to four years' imprisonment and Said Nuri to a five-year sentence. Said Nuri's sentence was suspended as he suffers from thalassaemia, a serious blood disorder. Amnesty International considers all three men to be political prisoners. According to reports, Ruslan Bashirli continues to suffer from complications arising from head injuries, as well as from kidney problems pre-dating his arrest. However, authorities at Bayil Prison are not allowing him regular access to medical care, and have reportedly turned down his request for an MRI scan to assess his head injuries. Said Nuri is reportedly being denied the regular specialist medical treatment he needs for his thalassaemia condition. Under the terms of his sentence, he must stay in the capital, Baku, and the only place where he can be treated there, the city's Institute of Haematology, has allegedly refused to treat him because of his criminal conviction. According to reports, his condition is deteriorating and he was hospitalized for 10 days from 24 July to 2 August.

BACKGROUND INFORMATION

The *Yeni Fikir* opposition group was formed in April 2004 and took as its model similar youth movements that had played a significant role in the 'colour revolutions' in Georgia and Ukraine. *Yeni Fikir* members and Azerbaijani human rights activists believe that the movement attracted the attention of the authorities due to its opposition to government and its potential for mobilizing youth. They believe that especially severe sentences were handed down in this case to serve as an example discouraging young people from political activism.

The arrests of the three *Yeni Fikir* members form part of a larger picture of politically motivated arrests in the run-up to and aftermath of the 6 November 2005 elections in Azerbaijan, during which period over 100 opposition activists were arrested. Prior to the imprisonment of the *Yeni Fikir* activists, nine other individuals had been imprisoned with sentences of between one and seven years. Several others are still in pre-trial detention.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Azerbaijani, Turkish, Russian, English or your own language:

- expressing concern for the safety and health of Ruslan Bashirli and Ramin Tagiyev and seeking assurances that they will not be tortured or ill-treated;
- expressing concern at the medical condition of Ruslan Bashirli and seeking assurances that he will receive appropriate medical treatment, including transfer to a civic hospital if necessary;
- seeking assurances that Said Nuri will be permitted to receive the specialist treatment he needs;
- calling on the authorities to ensure that thorough and independent investigations will be carried out without delay into allegations that Ruslan Bashirli was tortured at the Organized Crime Unit of the Ministry of Internal Affairs following his arrest on 3 August 2005;
- expressing concern at the violations of international fair trial standards during the *Yeni Fikir* trial and at the severity of the sentences handed down without substantiating evidence of any intention of the accused to engage in violent activities to overthrow the government;
- calling on the Azerbaijani authorities to re-try Ruslan Bashirli, Said Nuri and Ramin Tagiyev in a fair and open trial, upholding the international fair trial standards to which Azerbaijan is committed as a State Party to the European Convention on Human Rights and other international human rights treaties.

APPEALS TO:

Minister of National Security
Lt.-Gen. Eldar Mahmudov
Ministry of National Security of Azerbaijan
Parliament Avenue 2, Baku, Azerbaijan
Fax: + 994 12 493 7622
Salutation: Dear Minister

President
President Ilham Aliyev
Office of the President of the Azerbaijan Republic
19 Istiqlaliyyat Street, Baku AZ1066 Azerbaijan
Fax: + 994 12 492 0625 (it may be difficult to get through; please keep trying)
Email: president@gov.az
Salutation: Dear President

Minister of Internal Affairs
Lt.-Gen. Ramil Usubov
Ministry of Internal Affairs
Husu Hajiyev Street 7, 370005 Baku, Azerbaijan
Fax: + 994 12 490 9331 / 490 9431 / 492 7396 / 490 9929
Salutation: Dear Minister

Procurator General
Zakir Qaralov
Respublikanskaya Prokuratura
Rafibeyli Street 7, Baku 370001, Azerbaijan

Fax: + 994 12 492 32 30 (if someone answers ask for a fax tone)
Salutation: Dear Procurator General

COPIES TO:

Ombudsman

Prof. Elmira Suleymanova

Ombudsman

40 Uz. Hajibeyov Street, AZ1000 Baku, Azerbaijan

Fax: + 994 12 498 85 74

Email: ombudsman@ombudsman.gov.az

and to diplomatic representatives of Azerbaijan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 September 2006.