



AMNESTY INTERNATIONAL AZERBAIJAN: APPEAL CASES

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Two years of ill-treatment must end for Azerbaijani teenagers!

Exactly two years ago on 14 March 2005 police from the 33rd police precinct in the Surakhan district of the Azerbaijani capital Baku detained Ruslan Bessonov (born 22 April 1988), Maksim Genashilkin (born 15 March 1990) and Dmitri Pavlov (born 16 July 1989) on charges of murdering another teenager, Vusal Zeynalov. Their parents were informed of their sons' arrest only eight hours later. Ruslan Bessonov and Dmitri Pavlov were only granted access to their lawyers some 48 hours after their arrest at around midday on 16 March; Maksim Genashilkin met with his lawyer on 17 March.

In testimony given to their parents, the boys allege that they were subjected to torture and ill-treatment following their arrest. In testimony dictated to his mother, Ruslan Bessonov stated that on 14 March 2005 in the 33rd police precinct in Surakhan district, police and investigators punched and slapped him in the head, face and stomach. According to his statement, on the following day police and investigators beat him with fists, hands and truncheons on the head, face, abdomen, back, legs, knees, the soles of his feet and heels; they further kicked him in the back, abdomen, and legs, hung him up by his legs, sat on his chest and stomped on his fingers. Police and investigators allegedly also threatened to use electric shock treatment on him, to tear out his fingernails, to slam his genitals in a door and to kill his mother.

According to the relatives of Maksim Genashilkin and Dmitri Pavlov, on 14 March 2005 in the same police station police and investigators allegedly beat Maksim Genashilkin in the legs and stomach causing him to lose consciousness at least twice, while they beat Dmitri Pavlov in the head, face and legs, threatened him with torture, including electric shock treatment, breaking his legs and ribs and beatings with a rubber truncheon, and threatened to harm his family.

All three boys reported that the police denied them food, water and sleep. The boys claimed that they were compelled under torture to sign confessions and incriminating statements against one another for participation in the murder of Vusal Zeynalov, on 15 February 2005, which they all maintain none of them committed. Family members believe the boys may have been targeted by investigators on account of their Russian ethnicity, allowing the crime to be explained as ethnically motivated. The boys' relatives also maintain that the boys each have alibis for the time and day of the murder.

In addition to the torture he reportedly suffered on 14-15 March 2005, Ruslan Bessonov further stated that he had also faced threats of torture, including the threat of rape with a bottle and a truncheon, on 26-27 February 2005, when police requested he come to the 33rd police precinct for questioning. Subsequent to his detention, Ruslan Bessonov faced additional beatings by an investigator from the Surakhan district office of the public prosecutor on 23 June 2005 while he was in the third pre-trial detention facility (SIZO). Wounds associated with these beatings were confirmed in writing by both the chief medical officer and the head of the pre-trial detention facility where he was held in a certificate issued on 7 July 2005.

Reportedly, the health of the teenagers deteriorated during their detention. They complained of stomach pains, swollen abdomens and of the poor quality of the food and water. They were reportedly refused medical treatment for these conditions while in detention. Ruslan Bessonov turned 18 in April 2006, as a result of which he fell under the adult regime, requiring his mother to receive the judge's permission to visit him. Despite repeated requests the judge

reportedly denied her permission to meet with her son. The judge's office allegedly even refused to accept her written requests for a meeting without explanation.

Court hearings for the boys were repeatedly postponed, prolonging their pre-trial detention. This situation has continued for two years. At a court hearing scheduled for 9 June 2006 the families waited for one and a half hours at the court before being told that the judges were "on a business trip" and the hearing had been postponed until 13 June. The panel of three judges reportedly included the brother of a police officer at the 33rd precinct allegedly involved in the detention of the three boys. Shortly afterwards the boys were visited by the Ombudswoman, Elmira Süleymanova, but as she spoke to the boys only in the presence of the prison chief they were reluctant to speak openly. Reportedly, she informed the boys that the prosecution possessed extensive evidence of their guilt in the murder of Vusal Zeynalov. No further action on the part of the Ombudswoman on this case was reported.

Hearings scheduled for the 7, 10 and 17 October did not take place (in at least one case because the prosecutor was allegedly absent). In early October, following monitoring of the case by Human Rights Watch, the US embassy in Azerbaijan, UNICEF and the Organization for Security and Co-operation in Europe, officials from the Ministry of Foreign Affairs visited the boys and reportedly promised that the boys would receive appropriate medical treatment at a hospital.

Two court hearings finally took place on 27 October and 3 November 2006. The first investigator of the case testified in these hearings. He reportedly admitted that he had forged Dmitri Pavlov's attorney's signature on one of the protocols and had disposed of documentation relevant to the case. According to Dmitri Pavlov's mother, the judge and the prosecutor tried to shield the investigator. Two other hearings in November were cancelled.

Following reported nervous problems, Dmitri Pavlov was transferred to a central hospital on 10 November, where he stayed until 13 December. He was then transferred back to pre-trial detention no.3 in Shuveliany.

Two further court hearings took place on 22 and 25 January, at which four witnesses allegedly confirmed Dmitri Pavlov's alibi. As of March 2007 it is unknown when the next court hearing will take place, pending further investigative activity. However, relatives of the boys maintain that they are unaware of any progress or even activity in the investigation. Amnesty International remains concerned that the boys may still be subjected to torture and other ill-treatment for as long as they are detained. The organization is also concerned that trial proceedings in this case have failed to comply with international fair trial standards.

Background information

Despite the adoption of international legal safeguards, the use of torture and ill-treatment in custody continues to be widespread in Azerbaijan, and regular reports of torture and ill-treatment in custody continue to be a cause for concern of the international community. A February 2005 report by the Organization for Security and Co-operation in Europe (OSCE) on trials of 125 people charged in relation to the October 2003 post-election violence addressed, among others, the issue of torture and ill-treatment. The OSCE report concluded that most of the trials fell well short of international fair trial standards and that the courts admitted evidence reportedly obtained through the use of torture.

On 21 March 2006, the Special Rapporteur on Torture Manfred Novak issued additional recommendations to the authorities of Azerbaijan, in which it was outlined that torture and ill-treatment continues to be carried out frequently in places of pre-trial detention, and to a lesser extent in post-conviction prison facilities. He cited non-governmental organizations' reports that allegations regarding torture and ill-treatment are not being investigated in an independent and thorough manner and alleged perpetrators are not being prosecuted. Moreover, magistrates and judges, like prosecutors, fail to ask a person brought from police custody how they have been

treated and be particularly attentive to their condition, even in cases where detainees actively volunteer allegations of torture or ill-treatment. The courts continue to rely on confessions that may have been obtained by torture or ill-treatment. It has not been possible to obtain information on any case where a person has been awarded compensation as a result of torture or ill-treatment.

Azerbaijan was elected to serve a three-year term in the new United Nations Human Rights Council (the Council) on 9 May 2006. As a member of the Council, Azerbaijan is obliged to uphold the highest standards in the promotion and protection of human rights, as stipulated in the UN General Assembly's resolution establishing the Council.

As part of its bid for election to the Council, Azerbaijan undertook a number of voluntary pledges on human rights standards, including ratification of the Optional Protocol to the Convention against Torture and maintaining constructive dialogue and cooperation with all UN Special Procedures

Recommended actions:

Please send courteous letters in Azeri, Russian, English, Turkish or your own language.

- Expressing your concern at the allegations of the torture and ill-treatment of Dmitri Pavlov, Maksim Genashilkin and Ruslan Bessonov and urging the Azerbaijani authorities to ensure that these allegations are fully investigated and if verified, that those responsible will be held accountable and that the victims will receive reparation.
- Expressing your concern for the health of Dmitri Pavlov, Maksim Genashilkin and Ruslan Bessonov, and seeking the Azerbaijani authorities' assurances that they will receive appropriate medical treatment, including transfer to a civic hospital if necessary.
- Expressing your concern at the violations of fair trial standards in the detention and trial of Dmitri Pavlov, Maksim Genashilkin and Ruslan Bessonov, including the length of time elapsed before their parents and lawyers were notified of their arrest, reported restrictions on family access, the use of confessions allegedly extracted as a result of torture in their trial, the failure to investigate allegations of torture and ill-treatment and allegations of forged and destroyed case materials during the trial.
- Urging the Azerbaijani authorities to comply with their international obligations under the Convention against Torture and to fulfil as early as possible their commitment to ratify the Optional Protocol to the Convention against Torture.

Please send appeals to:

President

President Ilham ALIYEV
Office of the President of the Azerbaijan Republic
19 Istiqlaliyyat Street
Baku AZ1066 AZERBAIJAN

Fax: + 994 12 492 0625

Email: president@gov.az, office@apparat.gov.az

Salutation: Dear President

Minister of Internal Affairs

Lt.-Gen. Ramil USUBOV
Ministry of Internal Affairs
7 Husu Hajiyev Street
Baku 370005, AZERBAIJAN

Fax: + 994 12 492 45 90, +994 12 492 7990

Salutation: Dear Minister

Prosecutor General

Zakir QARALOV
Prosecutor General; 7 Rafibeyli Street; Baku 370001, Azerbaijan

Fax: + 994 12 492 32 30 (if someone answers ask for a fax tone)
Email: prosec@azeri.com
Salutation: Dear Prosecutor General

COPIES TO:

Ombudswoman

Prof. Elmira SÜLEYMANOVA

Office of the Ombudsman

40 Uz. Hajibeyov Street

Baku AZ1000, AZERBAIJAN

Fax: + 994 12 498 8574

Email: ombudsman@ombudsman.gov.az

Head of pre-trial detention

Narimanu DIBIROVU

Nachalniku uchrejdeniya

SIZO No. 3, Poselok Shuvelyany

Baku, AZERBAIJAN

You may send copies to diplomatic representatives of Azerbaijan accredited to your country.

PLEASE SEND ANY REPLIES FROM THE AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL. (Eurasia Team, Europe and Central Asia Programme, Amnesty International; 1 Easton Street; London WC1X 0DW; United Kingdom)