

EXTERNAL

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Fear of Forcible Repatriation /
Fear for Safety / Death Penalty

15 April 1996

RUSSIA/AZERBAIJAN

Rahim Hasan oglu QAZIYEV
(????? ?????? ???? ?????? in Russian) and
Ayaz MUTALIBOV
(??? ?????????? in Russian)

Ayaz Mutalibov, former President of Azerbaijan, and Rahim Hasan oglu Qaziyev, a former member of the Azerbaijani parliament and former Minister of Defence, both living in political exile in Moscow, are facing imminent and forcible repatriation to Azerbaijan after being arrested in Russia at the request of the Azerbaijani authorities. If returned to Azerbaijan, Amnesty International fears that Ayaz Mutalibov and Rahim Qaziyev would be at risk of grave violations of their human rights, specifically torture, ill-treatment and possibly the death penalty.

Ayaz Mutalibov has been living in political exile in Russia, albeit without any formal legal status there, since he was forced to resign as President of Azerbaijan in May 1992, following popular unrest and criticism of his handling of the conflict in Nagorno-Karabakh. He was detained in Moscow on 14 April 1996, allegedly by Russian law enforcement agents. It is unclear what he has been charged with, but the current President of Azerbaijan, Heydar Aliyev, has accused his predecessor of being involved in at least two recent coup attempts against him. If extradited to Azerbaijan, Ayaz Mutalibov may be charged with treason which carries a possible death penalty.

Rahim Qaziyev fled to Moscow after escaping from the investigation-isolation prison of the Ministry of National Security in Baku, Azerbaijan, in September 1994 and has been in hiding ever since. He was arrested in Baku in November 1993 and charged with illegal possession of weapons and the military crime of neglect of duty in a combat situation. The latter charge related to the fall of the towns of Shusha and Lachin in May 1992, while he was Minister of Defence in the opposition Popular Front government from 1992-1993, following an assault by ethnic Armenian forces in connection with the conflict over the disputed region of Karabakh. He was eventually sentenced to death *in absentia* in May 1995. Unofficial sources allege that a number of Rahim Qaziyev's relatives were severely beaten by law enforcement officials after they were detained during a series of raids in Baku and his home town of Sheki in August 1995. Four of his relatives are believed to be still in pre-trial detention and at least one of them is reported not to be receiving adequate medical treatment. Their treatment is the subject of separate action by Amnesty International.

On 14 April 1995 Rahim Gaziyevv was reportedly detained in the apartment where he had been hiding by Russian law enforcement officers. It is not clear where he is being held. Both men are now facing imminent repatriation.

There is particular concern for the two men's safety in the light of reports to Amnesty International of similar human rights violations against alleged opposition supporters charged with anti-state crimes.

BACKGROUND INFORMATION

Amnesty International continues to receive allegations of ill-treatment of detainees, particularly political prisoners, by Azerbaijani law enforcement officials. In some cases it has been alleged that prisoners have been beaten in pre-trial detention in order to obtain confessions, and that family members of suspects in hiding have been beaten in an attempt to obtain information on their relatives' whereabouts. In other cases it has been alleged that prisoners in ill-health have not received adequate medical treatment, and that at least two people have died as a result over the past year. General conditions for many in pre-trial detention are reported to be harsh, with overcrowding so severe in some prisons that inmates are forced to take it in turns to sleep while others in the cell stand.

At least five death sentences have already been handed down in 1996 in cases with a political element and a number of political opposition and former government figures are in pre-trial detention facing charges which carry a possible death sentence.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Russian, English or your own language:

- urging the Russian authorities not to extradite Rahim Qaziyev and Ayaz Mutalibov to Azerbaijan, on the grounds that the Azerbaijani government's human rights record raises fears that they will suffer serious human rights violations there, specifically torture, ill-treatment and/or the death penalty;
- noting that agreements between countries of the Commonwealth of Independent States permit Russia to refuse extradition if there are fears that a person whose extradition is requested will face human rights violations;
- reminding the Russian authorities of their obligations under international law, in particular under the Convention against Torture.

APPEALS TO:

1) Procurator General of the Russian Federation

Yuriy SKURATOV

Rossiyskaya Federatsiya

103793 g. Moskva K-31

ul. Dimitrovka, d. 15a

Prokuratura Rossiyskoy Federatsii

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Telegrams: Rossiya, 103793 Moskva, Generalnomu prokuroru Skuratovu

Faxes: +7 095 925 18 79 or +7 095 292 88 48

Salutation: Dear Procurator General

2) Russian Minister of Internal Affairs

Col.-Gen. Anatoly KULIKOV

Rossiyskaya Federatsiya

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Salutation: Dear Minister

COPIES TO:

President of Russia

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Russian Minister of Foreign Affairs,

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Ambassador of the Azerbaijani Republic to the Russian Federation, Ramiz

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and to diplomatic representatives of Russia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 May 1996.