

AMNESTY INTERNATIONAL

Public Statement

AI Index: EUR 55/001/2004 (Public)
News Service No: 113
4 May 2004

Azerbaijan: Political opposition leaders must receive fair trial

Amnesty International today called on the Azerbaijani authorities to ensure that seven leading members of the political opposition in Azerbaijan receive a fair trial in line with international standards.

Rauf Arifoglu, a deputy chairman of the Musavat (Equality) party and editor-in-chief of the Yeni Musavat opposition newspaper, Arif Hajili and Ibrahim Ibrahimli, also deputy chairmen of Musavat, Panah Huseynov, chairman of the Khalq (People) party, Etimad Asadov, chairman of the Karabakh's Invalids Association, Sardar Jalologlu, the executive secretary of the Azerbaijan Democratic Party and Iqbal Agazade, the chairman of the Umid (Hope) party are due to go on trial at the Court for Grave Crimes in Baku later this week for their alleged participation in violent clashes between opposition supporters and law enforcement officers in the wake of the presidential elections in October 2003. All seven political opponents are reportedly accused of having masterminded the post-election violence and are charged with organizing mass disturbances (Article 220 part one of the Azerbaijani Criminal Code) and endangering the life or health of representatives of the authorities by means of force (Article 315 part two) - charges which they have consistently denied since their pre-trial arrests in October 2003.

Amnesty International is concerned about allegations that, after they were reportedly arbitrarily detained, some of the seven opposition politicians were tortured by members of the Ministry of Internal Affairs (MVD) Organized Crime Unit (OCU) to force them to confess to having organized or participated in the post-election violence and to denounce the opposition electoral bloc Bizim Azerbaijan (Our Azerbaijan) and its presidential candidate, Isa Gambar, the chairman of Musavat and runner-up in the election, who had been placed under house arrest.

For example, on 17 October masked OCU officers detained Iqbal Agazadeh at his home, after a special session of parliament had stripped him of his parliamentary immunity earlier that day. On the way to the OCU offices he was allegedly repeatedly punched in the face with a steel-reinforced glove. At the OCU he was reportedly severely beaten and tortured during three days in order to force him to denounce Isa Gambar in a television interview on 20 October, after which he was allowed access to his lawyer. His lawyer told the international non-governmental organization Human Rights Watch that Iqbal Agazadeh's body was covered in bruises and that he had been hit some 50 times on one leg.

Others were reportedly detained in cruel, inhuman and degrading conditions. Rauf Arifoglu told members of the international press freedom organization Reporters without Borders, who visited him in pre-trial detention in Bailov prison in Baku, that he had been held in solitary confinement for 32 days and forced to sleep on the floor of an unheated cell for 18 days. He went on hunger strike in December 2003 and again in February 2004 together with dozens of opposition detainees to protest their arrests, which they believe were politically-motivated.

"Such ill-treatment and torture are against basic human rights principles endorsed by Azerbaijan when it signed and ratified the European Convention on Human Rights and if substantiated cast serious doubts on Azerbaijan's commitment to the respect of human rights and the rule of law," the organization said.

Amnesty International is further concerned about reports from earlier trials of opposition activists, accused of having taken part in the post-election violence, that evidence based on confessions extracted under torture was admitted in court. The organization reminds the Azerbaijani authorities of their obligations under international fair trial standards not to admit such evidence in court and to promptly and impartially investigate all allegations of torture and ill-treatment and bring the perpetrators to justice.

Background

In August 2003 President Heydar Aliyev appointed his son, Ilham Aliyev, as Prime Minister. Two weeks before presidential elections on 15 October, he resigned as President and withdrew his candidacy in favour of his son who went on to win the elections by a large margin, as the sole candidate, for the ruling Yeni Azerbaijan (New Azerbaijan) party. The elections were marred by widespread voting irregularities, including ballot box stuffing, multiple voting and intimidation of voters and election observers. Scores of election officials who refused to sign flawed election protocols during the vote count were reportedly threatened and detained. Violent clashes between opposition activists protesting election irregularities and officers from the police and MVD special forces in the centre of the capital Baku on 16 October left hundreds of protestors and dozens of police officers injured, many seriously, and claimed at least one death. Over 50 independent and opposition journalists covering the demonstration were reportedly severely beaten by police and several were detained along with scores of protestors and bystanders. There were credible reports that large numbers of opposition activists or supporters and members of their families were intimidated and dismissed from their jobs following the election because of their political affiliation.

Hundreds of opposition activists, officials and supporters - mainly, but not exclusively, of the Musavat party - were detained throughout the country reportedly for "instigating, organizing or participating in violent activities". Most were sentenced to short-term administrative detention but more than a hundred were remanded in custody. To date 118 opposition activists have been tried in separate court cases for their alleged participation in the post-election violence. Thirty three men received prison sentences of between three and six years while the rest received suspended sentences. Among those who received a conditional sentence was human rights activist and imam of the independent Juma mosque, Ilgar Ibrahimoglu. He was released on 2 April.