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@Allegations of ill-treatment in detention

Introduction

Amnesty International continues to receive allegations of ill-treatment of detainees 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 died as a result of this over the last year. General conditions for many in pre-trial detention are also 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.

Restricted access by independent observers makes verification of these allegations difficult, and Amnesty International has had no response to its concerns about ill-treatment which have been raised on a number of occasions with the Azerbaijani authorities.

Cases illustrating Amnesty International's concerns are detailed below. They relate to political prisoners¹, although Amnesty International is also concerned about other more general allegations about ill-treatment of criminal prisoners.

Deaths in custody

Shahmardan Mahammad oglu Jafarov

Shahmardan (also known as Shahsultan) Jafarov died in custody in the Azerbaijani capital of Baku during the night of 29 to 30 June 1995. A parliamentarian and a member of the opposition Popular Front of Azerbaijan (PFA), he had sustained serious gunshot wounds in a clash with police on 17 June 1995 near the village of Abrugunis in the Julfa district of the Nakhchivan Autonomous Republic (NAR). He was operated on twice in a hospital in Nakhchivan, then transferred to Shuvelyan prison (officially known as investigation-isolation prison No. 3) in Baku. It is alleged that the medical treatment he received there was inadequate, and that a transfer to a hospital attached to the Ministry of Internal Affairs occurred too late to save him.

According to reports, Shahmardan Jafarov had been the head in the NAR of an illegal armed unit which was disarmed by government forces in August 1994. Over 20 people were arrested, but Shahmardan Jafarov evaded detention at that time. In May 1995 parliament voted to lift his parliamentary immunity from prosecution, and he was eventually detained by police the following month.

The circumstances of his detention on 17 June are disputed. According to the PFA, a police patrol ambushed Shahmardan Jafarov as he was travelling by car, and opened fire first. The Ministry of

¹Amnesty International uses a broad interpretation of the term "political prisoner" so as to cover all cases with a significant political element, for example criminal offences committed with a political motive or within a clear political context. Amnesty International does not call for the release of all political prisoners within this definition, nor does it call on governments to give political prisoners special conditions. Governments are obliged to treat *all* prisoners humanely and Amnesty International opposes the use of torture and the death penalty in all cases - both criminal and political - without reservation.

Internal Affairs, however, reports² that Shahmardan Jafarov and four companions opened fire first, after ignoring a police order to stop the car. In a report in the newspaper *Yeni Musavat* on 23 June it was also alleged that the police left the scene after an exchange of fire, and that it was local residents who transported Shahmardan Jafarov to the Nakhchivan City Hospital.

Amnesty International has urged the authorities to conduct a thorough and impartial investigation into the circumstances surrounding the death of Shahmardan Jafarov, and to make the findings public.

Aypara Nasreddin oglu Aliyev

Aypara Aliyev died in a prison hospital in Baku on 25 November 1995, after over a year in custody. According to unofficial sources he suffered from cirrhosis of the liver, kidney insufficiency, and swelling of the legs and abdomen. The official cause of death is currently not known to Amnesty International.

Aypara Aliyev was a senior lecturer at the Azerbaijani Agricultural University, and a deputy of the City Council in Ganja, a city in the north-west of Azerbaijan. He was also a member of the opposition Social Democratic Party of Azerbaijan (SDPA).

He was arrested on 7 October 1994 at his apartment in Ganja, in connection with a coup attempt several days earlier in which a personal friend, the then Prime Minister Surat Huseynov, was later implicated³. It is alleged that Aypara Aliyev was arrested without the sanction of the prosecutor's office, and without permission having been obtained in advance from the City Council (necessary in order to waive his immunity as a deputy). It is also reported that he was officially charged after 14 days in detention, which is four days beyond the legal time period in which a person may be held prior to being charged⁴. Aypara Aliyev was eventually transferred from Ganja to an investigation-isolation prison in Baku.

In connection with the coup attempt it is reported that Aypara Aliyev was charged with treason (Article 57 of the Criminal Code), "organizational activity directed towards the commission of especially dangerous state crimes" (Article 65), and establishing illegal armed formations (Article 70-2), all of which carry a possible death sentence. Aypara Aliyev was also charged with embezzlement (Article 86) and forgery (Article 194) - he was reportedly accused of falsifying documents to obtain the registration of a charitable society named *Nidjat* (*Salvation*), and of stealing large sums of money from the society. The Chairman of *Nidjat*, Nusret Qasim oglu Budaqov, was returned by Russia to Azerbaijan to face similar charges at the end of May 1995, but died in the investigation-isolation prison of the Ministry of National Security on 10 July. Amnesty International has no information at present on the cause of death.

Aypara Aliyev is said to have been denied permission for at least several weeks to receive food parcels from relatives, in order to supplement the meagre prison diet, and it is also alleged that he was not

² TURAN news agency, Baku, 19 June 1995

³ A mutiny by forces loyal to Surat Huseynov in June 1993 caused the then Azerbaijani President Abulfaz Elchibey, a leading figure in the Popular Front of Azerbaijan (PFA), to flee the capital. Members of his government who were supporters of the PFA mostly resigned or were dismissed, and some were subsequently arrested. Surat Huseynov became Prime Minister and Heydar Aliyev, initially appointed parliamentary chairman, was later elected as President. In October 1994 Surat Huseynov was implicated in an unsuccessful coup attempt against President Aliyev, and fled the country.

⁴ Article 167 of the Code of Criminal Procedure

given the medical care appropriate for his state of health. His trial, set to begin in August 1995, was postponed on grounds of his ill-health, and he was transferred from Baku's Bayilov prison (officially known as investigation-isolation prison No. 1) to a prison medical facility after he fell into a coma on 22 October. He died there on 25 November, aged 36.

Amnesty International wrote twice to the authorities before Aypara Aliyev's death, urging that he receive all appropriate medical treatment. Following his death the organization approached the authorities again, seeking details on the circumstances under which Aypara Aliyev died and also whether he had been permitted to receive regular food parcels from his relatives. Amnesty International also invited the authorities' comments on allegations that he was arrested without the sanction of the prosecutor's office or the prior permission of Ganja City Council, and that he was held before formal charge four days beyond the 10-day time limit set, as the organization understands, by Azerbaijani law.

Allegations of beatings and ill-treatment

Rahim Hasan oglu Qaziyev

Several relatives of Rahim Qaziyev, a former member of parliament and Minister of Defence who is currently in hiding, are said to have been beaten after they were detained by law enforcement officials in August 1995. At least three detained then are believed still to be under arrest, including one who is said to be currently in very poor health. A fourth family member is also reported to have been subsequently arrested.

Rahim Qaziyev was arrested in Baku in November 1993, charged with large-scale theft of state property (Article 88-1), illegal possession of a weapon (Article 220 pt 2) and the military crime of neglect of duty in a combat situation (Article 255). The latter charge related to the fall of the towns of Shusha and Lachin in May 1992, while he was Minister of Defence, following an assault by ethnic Armenian forces in connection with the conflict over the disputed region of Karabakh⁵. His trial opened in July 1994.

In September 1994, however, Rahim Qaziyev and three other prisoners escaped from the investigation-isolation prison of the Ministry of National Security (MNS) in Baku. Rahim Qaziyev has been in hiding since then, although the trial continued without him. He was eventually sentenced to death *in absentia* in May 1995.

Unofficial sources allege that a number of Rahim Qaziyev's relatives were beaten severely by law enforcement officials after they were detained during a series of raids in Baku and his home town of Sheki in August 1995. They included his brother Rahab, and cousins Mamed and Farid (also referred to as Farda) Qaziyev. All three are still in pre-trial detention in Baku - Mamed and Farid in a cell together in the investigation-isolation prison of the MNS, and Rahab in Shuvelyan prison. Details of the injuries they are said to have sustained while being taken into custody are not known to Amnesty International. However, unofficial sources further reported in December 1995 that Mamed Qaziyev was in very poor

⁵ Intercommunal violence in the disputed Karabakh region of Azerbaijan, populated now almost exclusively by ethnic Armenians, escalated from 1988 into a large-scale armed conflict between Azerbaijani forces and those fighting on behalf of the self-proclaimed Nagorno-Karabakh Republic. In a major push in May 1992 ethnic Armenian forces captured the town of Shusha and opened a land corridor to Armenia itself via Lachin. A cease-fire has been in force since May 1994.

health, suffering from cancer, and that he was not receiving adequate medical treatment. The charges against them are believed to include the illegal possession of arms. Some unofficial sources allege that the charges are fabricated, and have been brought as a means of exerting pressure of Rahim Qaziyev to give himself up.

Another member of Rahim Qaziyev's family, his uncle Sabir Qaziyev, was reportedly arrested in October 1995 in Sheki after four hand grenades were said to have been found during a search of his house by MNS officials. Sabir Qaziyev, the father of Mamed and Farid, is said to have claimed that he saw the MNS officials plant the grenades in his presence.

Amnesty International has urged the Azerbaijani authorities to conduct a comprehensive and impartial investigation into the allegations that Rahab, Mamed and Farid Qaziyev were beaten in detention; to make the findings public; and to bring to justice anyone found to be responsible. Amnesty International has also urged that Mamed Qaziyev be granted all appropriate medical treatment. The organization is in addition seeking further information on the charge or charges against those members of Rahim Qaziyev's family who are currently imprisoned. In line with its work against the death penalty⁶, Amnesty International is urging that the death sentence passed on Rahim Qaziyev be commuted.

Alakram Alakbar oglu Hummatov (also known as Aliakram Humbatov)

Alakram Hummatov, a former department head in the Ministry of Defence, is currently under arrest in Baku. He has allegedly been beaten while in detention, and his 14-year-old son is also said to have been beaten and burned with cigarettes by police seeking the whereabouts of Alakram's wife, who is currently in hiding.

In June 1993, amid general political unrest in Azerbaijan, Alakram Hummatov announced the creation of a self-proclaimed "Talish-Mugan Autonomous Republic" (TMR), based around the southern city of Lenkaran and incorporating seven administrative districts in the area⁷. He was declared President of the TMR, but the authorities eventually restored control over the area in August and Alakram Hummatov went into hiding.

He was eventually detained on 9 December 1993 and transferred to Baku. Nine months later he was among four prisoners (including Rahim Qaziyev, above) who escaped from the investigation-isolation prison of the MNS. Alakram Hummatov went into hiding again, and it is reported that his relatives suffered harassment by police trying to discover his whereabouts. His wife Sudaba Rasulova, for example, is said to have been detained without charge in Lenkaran at the beginning of July 1995, effectively as a hostage to force her husband to give himself up. Alakram Hummatov returned to his home on 3 August, and was rearrested. Sudaba Rasulova was released, but went into hiding after the authorities reportedly sought to arrest her again three days later.

⁶ Amnesty International opposes the use of the death penalty in all cases without reservation, throughout the world, on the grounds that it is a violation of the right to life and that it constitutes the ultimate cruel, inhuman and degrading punishment. Although there have been no judicial executions in Azerbaijan in recent years, unofficial sources report that there are currently some 100 people on death row in the country.

⁷ The Talish are a minority ethnically distinct from Azeris, and concentrated mainly in the south of Azerbaijan.

Alakram Hummatov is said to have been beaten after he was transferred to Baku following this second arrest, but no specific details of injuries allegedly sustained are currently available to Amnesty International. Police seeking Sudaba Rasulova are also said to have beaten the couple's eldest child, 14-year-old Ramal Hummatov, on several occasions in an attempt to force him to reveal the location of his mother. One beating is said to have taken place at a Lenkaran police station on 5 September 1995, in the presence of the boy's grandmother. On another occasion, the date of which is not known, the police are said to have inflicted cigarette burns on Ramal Hummatov's body.

Alakram Hummatov is currently standing trial in the Military Collegium of the Azerbaijani Supreme Court, on a range of charges in connection with events around the proclamation of the TMR⁸. He faces a possible death sentence if convicted. Several of Alakram Hummatov's relatives were also reportedly arrested in August, possibly on a charge of harbouring him while he was in hiding. They include his brothers Nariman and Farman, his wife's brother Azad Rasulov, and his sisters' husbands Bahadur Asadov, Saffail Mammedov and Meri Dadashev.

Amnesty International is calling on the Azerbaijani authorities to conduct a full and impartial investigation into the above reports of ill-treatment, with the results made public and any perpetrators brought to justice. Amnesty International is also seeking further information on the charge or charges brought against those relatives of Alakram Hummatov who are currently in detention.

Conditions in places of detention

Detailed information about the situation of detainees in prisons and corrective labour colonies, and verification of allegations of ill-treatment and harsh conditions, are difficult to obtain owing to problems of access (prisoners in pre-trial detention, for example, are generally not permitted visits from family members before the official investigation of the case has concluded).

Overcrowding is said to be a severe problem in pre-trial detention. Movsum Aliyev, for example, was held in Bayilov prison No. 1 in Baku for several months before his release on 18 February 1995⁹. He reports that the cell where he was held contained 35 men, instead of the official capacity of 14, and that they had to take it in turns to lie down to sleep. The non-governmental Human Rights Centre of Azerbaijan (HCA) alleged a similar situation in July, quoting sources close to the Ministry of Internal Affairs. According to these sources Bayilov prison contained 2,500 prisoners, although built for 900, Shuvelyan prison held 1,500 instead of 500, and there were 1,500 detained in Ganja city's investigation-isolation prison No. 2 in premises meant for 500 people.

⁸ The charges against him in connection with the TMR are reportedly "treason" (Article 57), "establishing illegal armed formations" (Article 70-2), "unauthorized appropriation of the title or powers of an official" (Article 192 part 2), "unlawful deprivation of freedom" (Article 120), "breach of the inviolability of a citizen's residence" (Article 132) and "illegal possession of a weapon" (Article 220-2). To these has been added "escape from a place of imprisonment" (Article 185 part two).

⁹ Movsum Aliyev, an historian, was arrested in December 1994 on a charge of defaming President Heidar Aliyev in an article which appeared in the newspaper *Azadliq* in September 1993.

Overcrowding has also been reported in the cells on death row in Bayilov prison. Although death sentences are passed regularly in Azerbaijan¹⁰, no judicial executions have been reported since 1990 and a similar lack of actual commutations has led to a rising population on death row, estimated at around 100 in December 1995. According to one lawyer, prisoners on death row are held five or six to a cell designed for one, and are never taken out of their cell for exercise¹¹.

Overcrowding is said to create unsanitary conditions in which the spread of disease is difficult to check. A Health Ministry official, for example, was quoted by one publication in October 1995¹² as reporting that 244 inmates died in 1994 out of a total of 320 prisoners infected with tuberculosis, and that as of that date in 1995 the number of those prisoners suffering from tuberculosis had reached 1,200. These figures appear to refer to the prison population as a whole, not just in pre-trial detention.

Once tried, most prisoners are transferred from an investigation-isolation prison to a corrective labour colony to serve their sentence. Conditions in these colonies have been less frequently described, although there were press reports about a protests on 29 September 1995 by prisoners in colony No. 2 near the village of Bina. The prisoners were said to have gone on hunger-strike, and 120 of them staged a roof-top protest, to reinforce a number of demands relating to alleged ill-treatment in the colony. According to reports the prisoners complained, among other things, that they were subjected to physical humiliations and that bribes were frequently necessary to obtain clothes, food products and medicines.

¹⁰ The number of death sentences passed in Azerbaijan jumped from three in 1990 to 18 in 1991, 27 in 1992, 22 in 1993 and 23 in 1994, according to official statistics provided to Amnesty International.

¹¹ Lawyer Teymur Ismiyev, quoted in the Baku journal *The Advocate*, 1 September 1995.

¹² Baku journal *Ayrasiya* of 7 October 1995, quoting a deputy director of the Health Department of the Main Directorate for the Implementation of Court Decisions, in the Ministry of Health.

Amnesty International's concerns

Amnesty International is concerned about the persistent reports of ill-treatment in detention in Azerbaijan, and is calling on the authorities to:

- , conduct comprehensive and impartial investigations into the deaths in custody of Shahmardan Jafarov and Aypara Aliyev, and make the results public;
- , conduct comprehensive and impartial investigations into all allegations of beatings and ill-treatment in custody, with the results made public and any perpetrators brought to justice;
- , ensure that all prisoners receive prompt and appropriate medical treatment.