



AMNESTY INTERNATIONAL AZERBAIJAN: APPEAL CASES

9 April 2002¹; AI Index: EUR 55/001/2002; public

Death in custody of 28-year old Ilgar Javadov

Ilgar Javadov, an engineer with the oil company SOCAR in Azerbaijan, died following his detention at police station No. 9 in Baku's Sabail district in the early hours of 13 May 2001. Ilgar Javadov's relatives believe that he died after being severely beaten by police officers, causing injuries such as fractures to the right arm, ribs and spine, and bruising to his legs and body. Police sources have reportedly claimed that Ilgar Javadov sustained these injuries after falling to his death from the second floor of the police station while trying to escape. There are also allegations that the investigation into his death was not conducted impartially.



Photo: Ilgar Javadov,
© Private

The post mortem concluded in May that Ilgar Javadov's death was not caused by ill-treatment. The following month, however, the investigator reportedly found the evidence of the post mortem insufficient and sought a second medical investigation, which was opened on 17 June. Following an appeal by the commission of experts who conducted the second medical examination, Sabail district court ruled on 1 August that a second post mortem should be carried out. However, this was never conducted despite calls by Ilgar Javadov's wife and lawyer. The second medical expertise reportedly concluded in August, on the basis of the criminal case material, that Ilgar Javadov had been beaten following his detention.

Four police officers were charged in connection with Ilgar Javadov's death. Police officer "A" (his name is known to Amnesty International), who was on duty the night Ilgar Javadov died, was charged with "negligence" (Art. 314.2). The other three (the names are known to Amnesty International) were initially charged with "incitement to suicide" (Article 125 of the Criminal Code of the Republic of Azerbaijan), subsequently changed to "abuse of power" (Art. 309).

The latter three were reportedly released following a ruling by Sabail district court on 25 May, based on the conclusion of the post mortem that Ilgar Javadov's death was not caused by ill-treatment. The criminal case against them, however, remained open. On 14 November, the procurator of Sabail district turned down an appeal by the three men's lawyers to close the case against them. On 25 February 2002, Ilgar Javadov's family and his lawyer organized a press conference to voice concern about the alleged lack of impartiality of the investigation into Ilgar Javadov's death. One day later the investigator of Sabail district reportedly informed the lawyer that the criminal case against the three police officers had been closed for lack of evidence. Ilgar Javadov's lawyer told Amnesty International: "This was to punish us for going public. There hadn't been any investigation between 14 November and 26 February. So there was no factual basis for closing the case."

¹ Please use this Appeal Case sheet as the basis for your letter-writing and outreach until further notice.

The criminal case against police officer "A" remains open. On 2 March 2002, the case was referred to Sabail district court. Following a complaint by Ilgar Javadov's wife, Jannet Abdullayeva, in which she doubted the impartiality of the court, the case file was referred to the Supreme Court of the Republic of Azerbaijan on 2 April. Mr "A" is not in custody, but had to sign an undertaking not to leave Baku. From 10 to 30 October 2001 the investigation into the case had reportedly been put on hold on the grounds that Mr "A" had not appeared for questioning.

Unofficial and official reports give different reasons as to why Ilgar Javadov was initially detained. According to his wife, Ilgar Javadov resisted being forced into a police car by police who said they wanted to take him to the police station to check his identity (he did not have his documents with him). Another police car was summoned, and the arriving officers reportedly beat Ilgar Javadov with truncheons and demanded a bribe not to detain him. Regarding the money he had on him as insufficient, the officers took Ilgar Javadov away and told his wife to bring the necessary sum to police station No. 9 within one hour in order to obtain her husband's release. A different version is given by the head of the Sabail district police administration at the time, Nazim Nagiyev, who is quoted as stating that police officers intervened as the couple were arguing on the street. According to this version, Ilgar Javadov refused to listen to or obey the officers, and so was detained and taken to the police station.

Recommended actions:

Please send politely worded letters in English, Russian, Azeri or your own language,

- expressing concern at allegations that Ilgar Javadov died in custody at police station No. 9 in Baku's Sabail District on 13 May 2001 as a result of torture;
 - expressing concern at allegations that the investigation into his death was not conducted thoroughly and impartially, in particular that a second post mortem of Ilgar Javadov's body requested by Sabail district court on 1 August 2001 has never been carried out;
 - asking the authorities to inform you of the results of the investigations conducted into the death of Ilgar Javadov;
 - asking the authorities to inform you on which grounds the criminal case against the three police officers who had initially been charged with "incitement to suicide" (Article 125 of the Criminal Code), later changed to "abuse of power" (Article 309) was closed on 26 February 2002;
 - stating that you believe that impunity for perpetrators of torture and ill-treatment sends an inappropriate signal to society;
 - To stress your point remind the authorities of their obligation to prohibit torture under international human rights treaties such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Articles 12, 13, 16) and of the commitment to "prosecute members of the law-enforcement bodies who have infringed human rights (particularly the prohibition of torture) in the course of their duties" (Opinion No. 222 (2000), iv. c) that Azerbaijan has to honour as a member of the Council of Europe.
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Whom to write

President:	Procurator General:	Minister of Internal Affairs:
Heydar Alireza oğlu ALIYEV	Zakir Bakir oğlu GARALOV	Lieutenant-General Ramil USUBOV
Respublika Azerbaijan; 370066 g. Baku; ul. Istiqlal, 19; Prezidentu Respubliki Azerbaijan; ALIYEVU H.A.; AZERBAIJAN (CIS)	Respublika Azerbaijan; 370001 g. Baku; ul. Rafibeyli, 7; Respublikanskaya prokuratura; Generalnomu prokuroru; GARALOVU Z.; AZERBAIJAN (CIS)	Respublika Azerbaijan; 370005 g. Baku; ul. Gajiyeva, 7; Ministerstvo vnutrennikh del; Ministru USUBOVU R.; AZERBAIJAN (CIS)
Fax: (994 12) 92 06 25	Fax: (994 12) 93 00 20	Fax: (994 12) 92 45 90
Salutation: Dear President Aliyev,	Salutation: Dear Procurator General,	Salutation: Dear Minister,

Send copies of your letters to:

- Procurator of Sabail district, Khazrat Pirmamedov:

Respublika Azerbaijan;
g. Baku
Sabailsky rayon
Prokuratura,
Prokuroru PIRMAMEDOVU, Khazrat
AZERBAIJAN (CIS)

- the Ambassador of Azerbaijan to your country (if there is one)

Send a copy of one of your letters to:

- the lawyer working on Ilgar Javadov's case, Zaman Babayev:

Respublika Azerbaijan;
g. Baku
ul. Sharekli (E. Suleymanov), d. 80, kv. 66
BABAYEVU, Zamanu
AZERBAIJAN (CIS)

PLEASE SEND ANY REPLIES FROM THE AZERBAIJANI AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY

**INTERNATIONAL. (South Caucasus and Central Asia Research and Campaign Team;
Amnesty International; 1 Easton Street; London WC1 X ODW; United Kingdom)**