

AZERBAIJAN

REPUBLIC OF AZERBAIJAN

Head of state: Heydar Aliyev

Head of government: Artur Rasizade

Death penalty: abolitionist for all crimes

International Criminal Court: not signed

There were allegations that law enforcement officers were responsible for excessive use of force against demonstrators. A person died in one such incident and a number of those arrested were reportedly ill-treated in detention.

Background

Concern about the concentration of power in the presidency and about the presidential succession increased in view of President Heydar Aliyev's age and health, and the presidential elections due in October 2003.

In August, a referendum approved numerous changes to the Constitution. The authorities reportedly pressurized and induced voters to approve the changes, and there were allegations of widespread ballot irregularities.

Alterations to the electoral system prompted allegations that they were designed to ease the succession from President Aliyev to his son, Ilham Aliyev.

In October, police broke into the headquarters of an opposition party, in a move widely perceived as increased harassment of the opposition. A number of religious organizations, mainly Muslim, were banned. Media freedoms continued to be eroded, as the authorities exerted various forms of pressure on the independent media, including harassment and court imposed fines which forced the closure of a number of television stations and newspapers.

No significant progress was reported in attempts to achieve a political settlement in the disputed region of Karabakh.

Torture, ill-treatment and excessive use of force

There were numerous allegations that the police used excessive force against demonstrations. Most of these demonstrations were organized by opposition political parties. However, at least one of them appeared to arise spontaneously from local grievances.

Aligasan Agaev was shot and killed by police during what began as a peaceful demonstration in the village of Nardaran on 3 June. Residents had been campaigning to improve local socio-economic conditions for several years. The 3 June demonstration was a reaction to the unexpected cordoning-off of the village and the arrest of seven village elders. Dozens of villagers and several police officers were reported to have been injured in the clashes. An official report blamed the incident on "anti-Azerbaijani Islamic forces" in the village. At the end of the year a number of villagers faced serious criminal charges but no prosecutions of law enforcement officers were known to have been initiated.

Police at Nardaran reportedly impeded injured people from obtaining appropriate medical treatment by blocking access to medical personnel, and beating and arresting injured people and those who went with them to hospital.

Some of the Nardaran residents arrested at the hospital were reportedly tortured and ill-treated in detention.

Twenty-two-year-old Rasim Alizade, who had a bullet wound in the shin, and Mirzaga Movlamov were kept in hospital until 4 June because of the seriousness of their injuries. They were reportedly arrested in the hospital and tortured, both in the hospital and later in prison.

Death in custody – update

The trial of the senior officer on duty at the time of Ilgar Javadov's death in police station No. 9 in Baku's Sabail district was continuing at the end of the year. Ilgar Javadov died in the early hours of 13 May 2001, allegedly as a result of ill-treatment by law enforcement officers. The senior officer was subsequently dismissed and charged with negligence.

On 26 February 2002, the day after Ilgar Javadov's family and his lawyer gave a press conference to voice concern about the investigation into his death, the criminal case against three other police officers charged in connection with the case was dropped.

Political prisoners

One of the obligations undertaken by Azerbaijan on joining the Council of Europe was to release or grant a retrial to political prisoners. In January, the Parliamentary Assembly of the Council of Europe (PACE) requested the release of 11 political prisoners whom it had previously asked either to be released or retried. PACE put particular emphasis on Alakram Alakbar oglu Hummatov (also known as Alikram Gumbatov or Gummatov, see below), Iskander Mejid oglu Hamidov (also known as Iskander Gamidov), and Rahim Hasan oglu Qaziyev (also known as Raqim or Ragim Gaziyeu). However, these three prisoners were not released. Instead, retrials began. There were allegations that these retrials did not meet international standards for fair trial. For example, the lawyers of Iskander Mejid oglu Hamidov complained that the administration of Gobustan Strict Regime Prison, where the retrials were being held, had refused to allow them to meet with their client. In a resolution adopted in September, PACE expressed concern at reports of "blatant violations of their procedural and other rights" and was "profoundly disturbed by the fact that in seven out of the 17 'pilot' cases, political prisoners were still detained and had neither been pardoned nor granted retrials."

Changes to the Constitution

In August a referendum approved 36 amendments to the Constitution. Some of these arose out of Azerbaijan's commitments made in view of becoming a member of the Council of Europe. For example, one of them moved further towards the introduction of a civilian alternative to military service. However, legislation to implement this reform had not been enacted by the end of the year.

Twenty-two prisoners serving life sentences sought to make use of one of the amendments which broaden access to the

Constitutional Court, including for individuals and the newly created Ombudsperson's institution. The prison administration reportedly refused to forward 21 of these appeals to the Court. The exception was that of the political prisoner Alakram Alakbar oglu Hummatov. In December, the *Milli Mejlis* (parliament) passed legislation in a second reading to implement the right of individual complaint to the Constitutional Court.

AI country reports/ visits

Report

- Concerns in Europe, January-June 2002: Azerbaijan (AI Index: EUR 01/007/2002)

