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Azerbaijan: Clampdown on dissent continues with reports of ill-treatment and criminal charges against 2 April protest organisers

In the aftermath of violently dispersed demonstrations in Baku on 2 April, police have arrested several senior members from two of the political parties behind the protest. They have been charged with serious public order offences. A number of demonstrators allege that they were beaten during their arrests and while in police custody.

The Azerbaijani authorities appear to be targeting key organisers within the Musavat and Popular Front Parties as part of a deliberate strategy to intimidate party members and paralyse the parties' operations.

According to a statement released by the Azerbaijani Ministry of Interior on 4 April, around 200 people were detained during and immediately after the demonstration. Around 70 people face administrative sanctions. A further five have been charged with criminal offences, three of whom remain in pre-trial detention.

Another 17 activists and organisers of the 2 April demonstration were arrested in the days leading up to the protest, several of whom were sentenced in closed hearings to between five and ten days of administrative detention under Article 310.1 of Administrative Code, which prohibits "wilful disobedience of the police".

Arrest and ill-treatment of protest organisers

Hasan Karimov, Chairman of the Popular Front Party of Azerbaijan (PFP), was arrested at his home at around 5 pm on 2 April, immediately after the protests. His lawyer Tahir Khanaliyev told Amnesty International that police arrested Hasan Karimov without a court order or offering any explanation of his arrest. Hasan Karimov was taken to Sabail district police department and placed in an overcrowded 19 square metre cell with some 50 other inmates, where he developed respiratory problems.

Police guards denied his request to be transferred to another cell until his condition deteriorated to the point where an ambulance was required. He was taken to hospital, where he remains. Hasan Karimov has a heart condition and suffered a heart attack two years ago.

Hasan Karimov's lawyer told Amnesty International that he had not received any explanation from law enforcement officials of the reasons for his client's arrest.

Tazakhan Miralamli, Chairman of Jalilabad branch of the PFP, was arrested on 2 April at Fountain Square in central Baku, one of the focal points of the protests. Riot police beat him with batons as he was arrested. His left eye was badly damaged. He maintains that he was beaten again while held in the Sabail district police department before being taken to hospital, where, in addition to the damage to his eye, he was diagnosed with a broken finger, kidney problems and extensive soft tissue damage.

Tural Abbasli, head of the Youth Organisation of the opposition Musavat Party, was arrested by police on 2 April in front of the Ministry of Interior and taken to Yasamal district police station. His lawyer, Anar Gasimov, told Amnesty International that Tural Abbasli was beaten while in custody. Tural Abbasli said police officers kicked, punched and clubbed him. Anar Gasimov,

who was not allowed to see Tural Abbasli for the first two days of his detention, told Amnesty International that when he finally managed to visit his client at the Yasamal district police station, he had visible bruises around his eyes and on his hands.

Criminal charges

Tural Abbasli, Arif Hajili, head of the Central Office of Musavat Party, and Mahammad Majidli, head of PFP's public relations unit, have been charged with organising mass disorder under Article 233 of the Criminal Code. If convicted, they face a prison sentence of up to three years.

All the charges relate to their involvement in the 2 April rally.

All three were remanded in custody for two months on 4 April by the Sabail district court in closed hearings, but with legal representation.

Azer Naghiyev, a lawyer representing Mahammad Majidli, told Amnesty International that no evidence was presented to support the charges against him and no witnesses were interviewed. "The prosecution simply accused Majidli of participating in the unsanctioned rally and the judge made the decision on his pre-trial detention without weighing any further facts or evidence", Azer Naghiyev reported.

No evidence has been presented to suggest that Tural Abbasli, Arif Hajili or Mahammad Majidli intended to organise a violent protest, or personally engaged in violent acts. They appear to be being prosecuted simply for organizing an unreasonably unauthorised protest. There are therefore strong grounds to believe that the three men are prisoners of conscience.

The authorities have also used questionable charges of illegal arms possession and incitement of ethnic hatred to arrest and charge activists connected with the 2 April rally.

Shahin Hasanli, managing board member of the PFP, was one of those arrested on 31 March prior to the opposition rally. According to his lawyer, four law enforcement officials in plain clothes came into his room while he was sleeping. They made him put his jacket on, handcuffed him and drove him to the police station, where he was searched. Police allegedly discovered several Kalashnikov bullets wrapped in paper in the pocket of his jacket. Shahin Hasanli was charged with illegal possession of arms under Article 228 of the Criminal Code of Azerbaijan and on 2 April Shamkir district court ordered his pre-trial detention for one month. Article 228 provides for a maximum prison sentence of up to 8 years.

In a further indication of the determination of the Azerbaijani authorities to silence dissenting voices both at home and abroad, criminal proceedings have been initiated against the journalist and activist Elnur Majidli, who was one of the founders of the Facebook page calling for the 11 March 11 and 2 April protests. Elnur Majidli, who lives in France, is accused of "inciting national, ethnic or religious hatred" under article 283.1 of the criminal code for his Facebook activity. In his absence, the Serious Crimes Investigation Department summoned his father to notify him of the investigation.

Respecting the rights to Freedom of Assembly and Expression

Activists and opposition political parties are currently considering whether to stage fresh protests on 16 April. In a response typical of the Azerbaijani government, Mubariz Gurbanly, the Deputy Executive of the ruling New Azerbaijan Party, stated today: "If the radical opposition attempts to stage another unsanctioned protest action on April 16, it will be [as] strongly suppressed by [the] relevant authorities as the previous one."

Amnesty International is deeply concerned by the Azerbaijan authorities' understanding of the right to freedom of assembly. According to the government, protesters will only be allowed to demonstrate in 11 officially designated areas, all of which are outside the city centre and cut off from the fabric of daily life in the capital. They consequently fail to offer demonstrators the ability to peacefully express their views in a visible, public location. As the 2007 OSCE

“Guidelines on Freedom of Peaceful Assembly” state: “Any alternative must be such that the message that the assembly seeks to convey is still capable of being effectively communicated to those it is aimed at — in other words, within sight and sound of the target audience.”

The organisers of public demonstrations are therefore placed in the invidious position of having either to consent to protest in irrelevant and unsuitable locations, or run the risk of the severe clampdowns that took place on 12 March and 2 April.

Amnesty International therefore urges the Azerbaijani authorities to respect its international obligations to guarantee the rights to freedom of assembly and freedom of expression of all its citizens and allow peaceful demonstrations to be organised in appropriate locations with the necessary practical and security arrangements in place.

Amnesty International also calls on the Azerbaijani government to fully investigate and prosecute those responsible for the ill-treatment and harassment of activists connected with the 2 April rally.

Amnesty International further calls the Azerbaijani government to release those imprisoned solely for peacefully exercising their rights to freedom of expression and assembly and ensure that those charged with offences relating to acts of violence during demonstrations are tried in fair and public proceedings in accordance with international standards.

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