

# AMNESTY INTERNATIONAL

## Public Statement

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### **Azerbaijan must protect the right to life and effectively investigate deaths in custody**

Amnesty International is calling the Azerbaijani authorities to ensure prompt, independent and effective investigation into all deaths in custody and make their results available to the public.

On 4 May 2017, the European Court of Human Rights (ECHR) ruled that the Azerbaijani government had violated the right to life of Mahir Mustafayev, in that it both failed to protect his life and failed to conduct an effective investigation into the circumstances of his death in custody. Mahir Mustafayev had died from severe burns as a result of a fire in his cell in December 2006. The case concerned allegations that the fire was set by prison guards to cover up his death by torture, which Court ruled was not proven beyond reasonable doubt. Mahir Mustafayev had been taken to hospital no less than eight hours after the fire had broken out. The Court found that the government's failure to protect Mahir Mustafayev's life, as well as its failure secure all evidence and to timely and adequately inform family members of their son's death and of the investigation's findings amounted to violations of the right to life.<sup>1</sup>

The judgment comes a week after Azerbaijani activist and blogger Mehman Qalandarov was found hanged in his prison cell in Kurdakhani on 28 April 2017. Mehman Galandarov was arrested on 7 February 2017, shortly after he had posted a status on his Facebook page in support of two prisoners of conscience, imprisoned for spraying the monument of the President's father, -Heydar Aliyev. He was charged with drug possession and the same day Nasimi District Court remanded him in pre-trial detention for three months.

According to an official statement by the authorities, Mehman Qalandarov hanged himself around midday, using a piece of cloth while his cellmate was asleep. A local human rights defender who has formerly served more than a year in the same detention center however has told Amnesty International that "it is impossible to hang oneself in those cells."

Human rights defenders have also alleged that Mehman Qalandarov was subjected to torture to make him "confess" to trumped up charges of drugs possession and that the authorities buried his body secretly to hide the evidence. Penitentiary service officials initially denied reports that Mehman Qalandarov had committed suicide and only announced his death to the public a day

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<sup>1</sup> See *Mustafayev v. Azerbaijan* (application no. 47095/09), Judgment of 4 May 2016, available at: [http://hudoc.echr.coe.int/eng#{"documentcollectionid2":\["GRANDCHAMBER","CHAMBER"\],"itemid":\["001-173365"\]}](http://hudoc.echr.coe.int/eng#{)

after his death, on 29 April. His burial was arranged in secret, with journalists and civil society representatives unable to see the body of the deceased.<sup>2</sup>

On 30 April, following a forensic medical examination, the Prosecutor's Office launched a criminal investigation focusing on alleged incitement to suicide. According to the forensic examination report no signs of injury were found on the body, except the strangulation concluding that Galandarov wasn't subjected to unlawful acts. However questions remain regarding the circumstances surrounding his death as well as of authority's secretive handling of the case.

The ruling by the European Court of Human Rights in the case of *Mustafayev v. Azerbaijan* comes as a timely reminder of Azerbaijani authorities' duty to protect the lives, health and well-being of individuals in custody and to "account for any injuries suffered in custody, an obligation which is particularly stringent when an individual dies."<sup>3</sup> The Azerbaijani authorities should address the concerns of the Court in the case of *Mustafayev v. Azerbaijan* by ordering a fresh, independent, impartial and effective investigation and ensuring that the investigation into the case of Mehman Qalandarov meets the same international standards.

## Background

Persons criticizing the government, however peacefully, are routinely arrested in Azerbaijan. Amnesty International has documented numerous cases where trumped up charges of drug possession have been pressed in retaliation for critical Facebook posts and other forms of expression. The circumstances of their arrests often followed remarkably similar patterns. The targeted individuals were typically detained and interrogated without access to a lawyer and forced to sign "confessions", often with the use of torture and other ill-treatment. Allegations torture and ill-treatment are almost never effectively investigated reinforcing the cycle of human rights violations and impunity.

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<sup>2</sup> Amnesty International's communication with Azeri human rights defenders, see as well The Statement by the Institute for Reporters' Freedom and Safety (IRFS). *IRFS outraged by blogger's death in detention*. 1 May 2017. Available at: <https://www.irfs.org/news-feed/irfs-outraged-by-bloggers-death-in-detention/>

<sup>3</sup> See *Mustafayev v. Azerbaijan* Judgment, para. 54.