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- an update**

March 1996
AI Index: EUR 55/07/96
Distr: SC/PO/CO/GR

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The case of Tofiq Qasimov - an update

Tofiq Masim oglu Qasimov, a member of parliament and prominent political figure in Azerbaijan, was arrested on 19 September 1995 and charged with involvement in a failed coup attempt earlier that year. In a document issued in February 1996¹, Amnesty International summarized the background to his arrest and set out the organization's concern about allegations that the charges were false, and had been brought to punish Tofiq Qasimov for his non-violent opposition to the Azerbaijani government. Since that document was issued there have been developments in this case, most notably that Tofiq Qasimov has been released from prison, although the charges against him have not been dropped. These developments are summarized in this short update.

On his arrest Tofiq Qasimov had been taken first to a police station and then to the investigation prison of the Ministry of National Security in Baku, the capital of Azerbaijan.

He was kept by himself in a cell which was said to be very damp. At the beginning of February 1996, reports began to emerge that his health was deteriorating. On 10 February one of Tofiq Qasimov's lawyers met him in prison, and noted that his behaviour seemed strange. His conversational responses were described as sometimes inappropriate, and he was also said to have trouble with recognizing people and with eating. The prison authorities subsequently refused to accept a parcel from Tofiq Qasimov's family on 13 February², and two further meetings with his lawyers, which had been arranged for 14 and 16 February, were cancelled without explanation.

At some point around this time Tofiq Qasimov was examined by a doctor who is said to have diagnosed him as suffering from reactive psychosis, a serious mental health problem induced by environmental circumstances. On 16 February Tofiq Qasimov was transferred to the central prison hospital of the Ministry of Justice at Boyuk Shur, a village near Baku. His difficulties with eating continued over the next two days, with one hospital employee being quoted as saying that he had had only one glass of fruit juice between his transfer and 18 February.

Several local human rights groups in Azerbaijan made new appeals on behalf of Tofiq Qasimov, and in a press statement issued on 21 February³ Amnesty International expressed concern at Tofiq Qasimov's state of health, and urged the authorities to afford him appropriate medical care. Amnesty International also sought further information

¹ See *Azerbaijan - Tofiq Qasimov: a possible prisoner of conscience*, AI Index: EUR 55/05/96, February 1996.

² Prison rations have frequently been described as meagre, and many prisoners rely heavily on food parcels sent by their relatives.

³ See AI Index: EUR 55/06/96.

from the Azerbaijani authorities on Tofiq Qasimov's reported mental state as well as his treatment, prognosis and plans for future care (according to the United Nations Standard Minimum Rules for the Treatment of Prisoners, any prisoner requiring specialist medical care should be transferred to a specialist medical facility to obtain such treatment). Amnesty International's concern was heightened by allegations that at least two political prisoners in ill-health had died as a result of inadequate medical treatment last year⁴.

On 22 February Tofiq Qasimov was released at 3.30am and returned to his family in Baku (his wife reportedly had to sign a form to confirm that Tofiq Qasimov was alive when he was returned home). The following day Tofiq Qasimov's nephew and daughter described his health as still poor - although he could recognize family members and had tried to speak to them, he was still unable to stand, sit or eat. He is continuing to receive medical treatment at home.

The charges against Tofiq Qasimov have not been dropped, however, and the authorities are believed to have completed the preliminary investigation prior to passing the material on to a court. Tofiq Qasimov has been accused of involvement in a secret organization connected to the March 1995 coup attempt in Azerbaijan, and of calling for the violent overthrow of the government. The investigation of his case is believed to have been under Article 57-1 of the Azerbaijani Criminal Code ("Use of the armed forces of the Azerbaijani Republic or of other armed formations established under the laws of the Azerbaijani Republic against the Azerbaijani people or Constitution"), which carries a maximum possible sentence of death.

The charges against Tofiq Qasimov are grave, and Amnesty International would not normally consider for adoption as a prisoner of conscience anyone accused of such crimes. However, the organization is concerned about allegations that the charges are false, and have instead been brought to punish Tofiq Qasimov for his non-violent opposition to the Azerbaijani government. This concern is heightened by the fact that Tofiq Qasimov faces a possible death sentence if convicted. Amnesty International opposes the death penalty in all cases without reservation, on the grounds that it is a violation of the right to life.

Amnesty International has put its concerns repeatedly to the Azerbaijani authorities, and is still seeking further information from them and other sources on the charges against Tofiq Qasimov, and the circumstances of his arrest. Amnesty International is also urging the authorities, should the case be brought to court, to ensure that Tofiq Qasimov receives a fair trial in line with international standards.

KEYWORDS: PARLIAMENTARIANS / MENTAL HEALTH / PRISON CONDITIONS / POLITICALLY MOTIVATED CRIMINAL CHARGES / CONDITIONAL RELEASE / COUPS /

⁴ See *Azerbaijan: Allegations of ill-treatment in detention*, AI Index: EUR 55/01/96, January 1996.