

AZERBAIJAN

Tofiq Qasimov: a possible prisoner of conscience

Tofiq Masim oglu Qasimov, a parliamentarian and prominent political figure in Azerbaijan, was arrested at 7.15am on 19 September 1995 at his home in the country's capital, Baku. He has been accused of calling for the violent overthrow of the government, and of complicity in a failed coup attempt in March 1995. He faces a possible death sentence if convicted.

Amnesty International is concerned about allegations that the charges are false, and have been fabricated in order to punish Tofiq Qasimov for his non-violent political activity in opposition to the Azerbaijani government. Amnesty International is currently seeking further information about the charges against Tofiq Qasimov and the circumstances of his arrest.

Background

The political scene in Azerbaijan¹ has been turbulent since the country received recognition as an independent state following the breakup of the Soviet Union. Current President Heydar Aliyev came to power after his predecessor, Abulfaz Elchibey, fled the capital in the face of an armed revolt in June 1993. Subsequently President Aliyev has also faced such opposition, for example in mid-March 1995. Elite special police units (known as OPON) mutinied in Baku on 13 March, and in the north-western towns of Akstafa and Kazah the following day. By 17 March, however, government troops had overcome OPON resistance, storming their headquarters in Baku. The OPON commander, Deputy Interior Minister Ravshan Javadov, was among those who died as a result of the fighting (the official death toll was almost 40 dead, although unofficial estimates put the figure closer to 100). Hundreds of people were arrested following these events², and one of the main charges against Tofiq Qasimov is his alleged complicity in the mutiny.

Tofiq Qasimov was born in 1938. He graduated from the Azerbaijani State University in 1960 and has had a long career as a theoretical physicist, researching in the field of solid state physics. He has been active in politics since at least 1988, when he became a member of the board of the opposition Popular Front of Azerbaijan. In 1990 Tofiq Qasimov was elected to the country's Soviet-era parliament (Supreme Soviet), and he subsequently became a member of the equivalent body - called the National Assembly - in independent Azerbaijan.

¹ The Azerbaijan Soviet Socialist Republic was one of the 15 constituent republics of the former USSR. Following the collapse of the USSR at the end of 1991 Azerbaijan was recognised as an independent state, and became a member of the United Nations in March 1992. The country is situated in the Caucasus area, and is bounded to the east by the Caspian Sea.

² The independent news agency TURAN reported on 25 January 1996 that, as of that date, 556 employees of OPON had been arrested since March 1995 in connection with the mutiny.

In July 1992 Tofiq Qasimov was appointed Foreign Minister in the government of President Elchibey, but resigned in protest almost a year later at parliament's vote to impeach the latter. Tofiq Qasimov remained active in parliamentary affairs, however, and has been an outspoken critic of the policies of President Aliyev. In August 1995 he joined the opposition *Musavat* (Equality) Party, and prior to his arrest he was among their leading candidates for the parliamentary elections set for 12 November 1995 (*Musavat* was eventually barred as a party from contesting the elections owing to alleged irregularities regarding the nomination of candidates).

Arrest and charge

Tofiq Qasimov was arrested in the morning of 19 September, although his parliamentary immunity was not removed by the National Assembly until later that day. According to the most recent information available to Amnesty International, he has been accused of involvement in a secret organization connected to the March 1995 coup attempt, and of calling for the armed overthrow of the government. The investigation of his case is believed to be 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"). This article is punishable by five to 10 years' imprisonment or, if the actions have "serious consequences", by 10 to 15 years' imprisonment or death³.

Tofiq Qasimov's alleged involvement is said to have been through a study group called the Azerbaijani Centre for Strategic Research (ACSR), which is said to have provided him with cover as a leading figure in a plot to overthrow President Aliyev in March 1995. Tofiq Qasimov is accused of being the ideological force behind the revolt, and of conducting secret meetings via the ACSR with OPON commander Ravshan Javadov, who led the mutiny.

The day before his arrest Tofiq Qasimov held a press conference at which he refuted accusations of his involvement in the coup attempt. His supporters claim that the ACSR meetings were attended by a wide range of people, including government officials,

³ The majority of death sentences passed in Azerbaijan in recent years have been for premeditated murder. However, in 1995 at least two were handed down in cases which had a political element. Rahim Qaziyev, a former Minister of Defence, was sentenced to death *in absentia* in May after being convicted of, among other charges, large-scale theft and the military crime of neglect of duty in a combat situation (Article 255 of the Criminal Code). The latter charge related to the fall in May 1992 of the towns of Shusha and Lachin to ethnic Armenian forces. Eldar Aliyev, the commander of an army unit, was sentenced to death by a military tribunal on 12 December. He had been charged in connection with the fall of the town of Agdam to ethnic Armenian forces in 1993, and with participating in a failed coup attempt in October 1994.

and that they functioned openly with all proceedings recorded on audio cassettes. They also claim

that the accusation that Tofiq Qasimov called for the overthrow of the government is based on comments that have been taken out of context. What he actually stated, they say, was that it was impossible to change power in Azerbaijan by democratic means as no democratic conditions actually existed, and that it was necessary to struggle for the re-establishment of such democratic conditions. His supporters also claim that Tofiq Qasimov is on record as rejecting the use of force as a means to power.

Investigation of the case

Originally held at a police station, Tofiq Qasimov was subsequently transferred to the investigation prison of the Ministry of National Security in Baku where he is currently detained in a cell by himself. Five different investigators are said to have worked on the case, and in December it was reported that Tofiq Qasimov had decided to refuse giving further evidence as a mark of protest against his arrest on what he states are fabricated charges. The investigation is reportedly set for completion by 22 February. If this is the case the trial may be expected at the end of that month or the beginning of March.

Amnesty International's concerns

The charges against Tofiq Qasimov are grave, and Amnesty International would not normally take up the case of 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 concern to the Azerbaijani authorities, and is 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: POSSIBLE POC1 / PARLIAMENTARIANS / PHOTOGRAPHS
