

EXTERNAL (for general distribution)

AI Index: EUR 55/11/94
Distr: UA/SC

UA 224/94

Fear of imminent execution / Legal concern

10 June 1994

AZERBAIJANE Elman HASANOV and his son Elshan Elman ogly HASANOV _____
_____ (in Russian)

Amnesty International fears that Elman Hasanov and his son Elshan Elman ogly Hasanov face imminent execution unless Geydar Aliyev, the President of Azerbaijan, exercises his constitutional authority to commute their death sentences.

Elman and Elshan Hasanov were sentenced to death for the murder of seven people on 8 June 1994, after a three-day trial by the Supreme Court of Azerbaijan. There is no court of higher jurisdiction, and so the two men are unable to lodge an appeal. A petition for clemency to the President of Azerbaijan is their only hope of avoiding execution.

Amnesty International opposes the death penalty in all cases and without reservation, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. The organization is appealing to the Azerbaijani President to commute the death sentences passed on Elman and Elshan Hasanov.

BACKGROUND INFORMATION

Death sentences are regularly passed in the Azerbaijani Republic, although to Amnesty International's knowledge no official statistics on the application of the death penalty have been issued since 1992. At that time 76 people were said to have been sentenced to death since 1986. Unofficial sources reported in December 1993 that 48 people were awaiting execution on death row.

Prisoners can appeal against the verdict or sentence to the next highest court within seven days of receiving a written copy of the judgment. However, there is no appeals mechanism for those tried by the Supreme Court as the court of first instance, and prisoners sentenced to death by this highest judicial organ are thereby denied the internationally-recognized right to appeal against their sentence and conviction. The only resort is to petition for clemency to the President of the Azerbaijani Republic, who has the constitutional authority to commute death sentences.

RECOMMENDED ACTION: Please send telegrams/faxes/express and airmail letters either in Russian, English or in your own language:

- urging the President to exercise his constitutional authority to commute the death sentences passed on Elman and Elshan Hasanov;
- urging the President to commute all other death sentences that come before him;
- urging that everyone sentenced to death in Azerbaijan be granted the opportunity to appeal to a court of higher jurisdiction, in accordance with internationally-agreed human rights standards.

APPEALS TO

1. President Geydar Aliyev
ul. Kommunisticheskaya, 19

370066 g. Baku
Azerbaijani Republic
Telegrams: Azerbaijan, 370066 Baku, Prezidentu Aliyevu G.
Faxes: + 8922 98 33 39
Salutation: Dear President

COPIES OF YOUR APPEALS TO:

1. T. Aslanov

Head of the Presidential Department of Citizenship and Clemency Questions,
(Otdel po voprosam grazhdanstva i pomilovaniya pri apparate Prezidenta)
ul. Kommunisticheskaya, 19
370066 Baku
Azerbaijani Republic

2. Khamlar Gadzhiyev

Acting Chairman of the Supreme Court
(I.o. Predsedatelya V. Suda)
ul. Vurguna, 30
370601 Baku
Azerbaijani Republic

3. Ali Omarov

Procurator General of Azerbaijan
(Generalnomu prokuroru)
ul. Ezima Sarapostam, 9
370201 g. Baku
Azerbaijani Republic

4. Gasan Gasanov

Minister of Foreign Affairs
Kontrolny per., 2
370005 Baku
Azerbaijani Republic
Faxes: + 8922 93 56 43 (combined telephone/fax)

and to diplomatic representatives of Azerbaijan, if any, accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 July 1994.