



Azerbaijan: Severe Torture and Unfair Trials of Members of the Nardaran Community

The World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Azerbaijan**.

Description of the situation:

The OMCT has been informed by reliable sources about severe torture and unfair trials in the cases of 18 members of the Shiite minority of Nardaran including **Mr. Taleh Bagirzadeh, Mr. Jahad Balakishiev, Mr. Shamil Abdylaliev, and Mr. Bahruz Askerov**. They were arrested on 26 November 2015 during a special operation of the Main Directorate for Combating Organized Crime in Nardaran in an attempt to crack down the Muslim Unity, a Shiite organisation that presents an Islamist alternative to the State. In this so-called “Nardaran case”, the arrested are charged with serious crimes including murder, terrorism, riots, illegal possession of weapons, violent seizure of power, incitement to religious hatred.

According to information received by his lawyer, **Mr Taleh Bagirzadeh** the head of Muslim Unity, was arrested and was brought to a van where officers proceeded in hitting his face, smashing his head on the ground, trying to break his back and verbally abusing him. Mr. Bagirzadeh was subsequently brought to the offices of the Main Organized Crime Department where he was forced to lay on the ground and was severely beaten resulting in blood loss and open flesh wounds. Two to three days after his arrest, an investigator from the General Prosecutor’s office visited Mr. Bagirzadeh and expressed shock about his condition. However, no investigation was initiated.

During his arbitrary detention on the premises of the Organized Crime Department, Mr. Bagirzadeh was repeatedly beaten and threatened to confess allegations of terrorism and espionage and to testify against the other accused. Moreover, he was regularly brought to the basement of the building while his head was covered with a sack. There, an officer would sit on his shoulder, while others stroke at his legs until they swell to an unrecognizable shape.

On 29 December 2015 Mr. Bagirzadeh was finally allowed to see his lawyer, who immediately filed a torture complaint. The dates for hearings were repeatedly postponed until the wounds on his body had healed. However, Mr. Bagirzadeh withdrew his complaint on 23 February 2016 because of repeated threats and torture.

The trial against Mr Bagirzadeh, which started on 19 July 2016, raises serious concerns: The torture allegations raised by his lawyer during the hearing were dismissed by the judge and his right to participate in the trial was refused. At a hearing on 30 November 2016, Mr Bagirzadeh, was removed from the courtroom for expressing resentment about inappropriate statements by the witness, an employee of the Sabunchu District Police Office, directed towards his lawyer. When the hearing continued on 2 December 2016, Mr Bagirzadeh and the other 17 accused were brought to the court but not allowed to enter the room of the hearing. The judge stated that he will exclude the accused from the hearing as long as he deems appropriate. On subsequent hearings held on 16 and 19 December, the accused were again not allowed to participate in the hearing.

According to information by family members, the conditions of at least three other accused are also alarming. **Mr Jahad Balakishiev, Mr Shamil Abdylaliev, and Mr Bahruz Askerov** were severely wounded by gunshots during their arrest on 26 November 2015. As of today, they have not received proper medical treatment. According to information by family members a bullet has been left in Mr Balakishiev's body close to his heart and in Mr Askero's leg and two bullets remain in Mr Abdylaliev's body. This results in severe suffering and leaves the three detained disabled and unable to walk on their own.

Background Information:

The mass arrests and torturing of Mr. Taleh Bagirzadeh, Mr. Jahad Balakishiev, Mr. Shamil Abdylaliev, and Mr. Bahruz Askerov and the 14 other accused has to be understood in President Ilham Aliyev's general crackdown of government critics and opposition in an attempt to consolidate power and to establish an autocracy with a system of patronage and oppression. While the government is alleging terrorism, observers depict the attacks and trials as breaking dissent.

Discontent within opposition groups and civil society grew particularly after the unfair elections in 2013. Human Rights Defenders started publishing information on the President's involvement in corruption and criticized his omnipotence. The government responded to the rising activism with a general crackdown on civil society, imposing high fines for participation in and organization of unauthorized protests. Amendments to NGO laws were introduced with stricter registration requirements, restrictions on funding, and higher fines for administrative offenses, which made the day-to-day operation of civil organizations increasingly difficult. This crackdown resulted in the virtual non-existence of a secular opposition to Aliyev's government. It has been suggested that some thus turned to religious movements that currently present the sole alternative to the government.

In addition, in 2014 most key figures of the human rights movement were imprisoned and sentences with fabricated charges. While some prominent Human Rights Defenders have been released after international pressure including from the UN Committee against Torture that reviewed Azerbaijan's fourth periodic report in November 2015, several government critics remain in prison. The accused in the Nardaran case have barely received international attention despite the repeated and severe attack against their community. Already in 2002 the Ministry of Interior carried out a similar operation arresting 28, killing one and sentencing 23 people for espionage for Iran. However, by the end of 2005 all detainees were released.

In this new wave of attacks, that started in November 2015, a total of 78 people have been prosecuted. More recently, in August 2016, the government has arrested two more people Mr Fuad Ahmadli and Mr Faig Amirov for allegedly supporting Fethullah Gulen who is accused by the Turkish government of attempting a military coup.

Actions requested:

Please write to the authorities of Azerbaijan asking them to:

- i. Guarantee fair trial to all accused in the Nardaran case;
- ii. Guarantee in all circumstances the physical and psychological integrity of detainees including Mr. Taleh Bagirzadeh, Mr. Jahad Balakishiev, Mr. Shamil Abdylaliev, and Mr. Bahruz Askerov;
- iii. Conduct a thorough, impartial, and transparent criminal investigation into the above-mentioned acts of torture in order to identify those responsible, bring them before a competent and impartial tribunal, and apply to them the sanctions provided by the law;

- iv. Refrain from torturing members of the Shiite minority of Nardaran;
- v. Stop any reprisals against the detained, including solitary confinement, for complaining about torture;
- vi. Guarantee access to independent medical examination and treatment to all 18 accused including Mr. Taleh Bagirzadeh, Mr. Jahad Balakishiev, Mr. Shamil Abdylaliev, and Mr. Bahruz Askerov;
- vii. Release from prison all Human Rights Defenders and people detained for exercising their fundamental human rights.

Addresses:

- Mr. Ilham Aliyev, President of the Republic of Azerbaijan, Office of the President of the Republic of Azerbaijan, 19 Istiqlaliyyat St., Baku AZ1066, Azerbaijan, Fax: (+994) 12 492 06 25, (+994) 412 92 28 68, E-mail: office@pa.gov.az, office@apparat.gov.az.
- Mr. Zakir Garalov, Prosecutor General of the Republic of Azerbaijan, Prosecutor's Office, 7 Nigar Rafibeyli St., Baku, Azerbaijan, Fax: (+994) 12 492 06 82, (+994) 12 492 26 63, E-mail: z.qaralov@prosecutor.gov.az, info@prosecutor.gov.az.
- Mr. Eldar Mahmudov, Minister of National Security, Ministry of National Security of the Republic of Azerbaijan, Parliament Avenue 14, Baku AZ1006, Azerbaijan, Fax: (+994) 12 493-76-22, E-mail: cpr@mns.gov.az.
- Mr. Ramil Usubov, Minister of Internal Affairs, Ministry of Internal Affairs of the Azerbaijani Republic, Fax: (+994) 12 492 45 90.
- Mr. Elmar Mammadyarov, Minister of Foreign Affairs, Ministry of Foreign Affairs of the Republic of Azerbaijan, E-mail: katiblik@mfa.gov.az.
- Mr. Fikrat F. Mammadov, Minister of Justice in Azerbaijan, Inshaatchilar Prospekti, 1 Baku, Azerbaijan, e-mail: contact@justice.gov.az; Fax (+994) 12 430 09 81.
- H.E. Mr. Murad N. Najafbayli, Ambassador, Permanent Mission of Azerbaijan to the United Nations in Geneva, Route des Fayards 237, CH-1290 Versoix, Switzerland, Fax: (+41) 22 901 18 44, E-mail: geneva@mission.mfa.gov.az.
- Embassy of Azerbaijan in Brussels, Avenue Moliere 464, 1050 Brussels, Belgium, Fax: (+32) 2 345 91 85.

Please also write to the diplomatic missions or embassies of Azerbaijan in your respective country.

For more information, please contact:

OMCT, Nicole Bürli: Tel: +41 22 809 49 39; E-mail: nb[at]omct.org