

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Azerbaijan: Opposition party loses HQ after explosion and sees seven members arrested within 2 weeks**

The Azerbaijan Popular Front Party (APFP) has come under intense pressure following the detention of seven of its members on administrative charges and the loss of their headquarters.

Following a string of arrests from 22 February to 1 March, the two storey building housing the headquarters of the APFP was rocked by a blast in a basement barbershop in the early hours of 3 March. The next day, the party was forced to leave the property as workers began to demolish the building due to structural safety concerns.

### **APFP MEMBERS DETAINED**

In the past two weeks seven APFP activists have been arrested on charges of “disobeying police orders” under article 310.1, and “petty hooliganism” under article 296 of the Administrative Code of Azerbaijan.

The arrests, which began with the detention of 18 year old Azerbaijan Popular Front Party (PFP) activist, Tofiq Dadashov, on 22 February, continued with the detention of five other activists between 27 February and 5 March, including; personal bodyguard to APFP leader, Bahruz Hasanov; Chairman of the APFP Jalilabad branch, Tazakhan Miralamli; APFP Youth Committee chairman, Ilham Huseyn; former PoC and APFP member, Jabbar Savalan; and APFP member, Aghaverdi Rushanov.

At approximately 7pm on 22 February 2014, 18-year old member of the APFP Youth Committee, Tofiq Dadashov, was detained at his home in the city of Sumgayit by 15 plainclothes police officers, who also confiscated his desktop computer. No warrant was presented by the officers, who refused to identify themselves or to explain the reason for arresting Tofiq.

He was taken to the Binagadi Police Department, where he was allegedly kept without food or water for two days. On 24 February, Binagadi District Court handed him a 15 day jail sentence for “disobeying police orders” in a cursory hearing lasting 5-6 minutes. The judgement was based on a statement submitted by the police officers who detained Tofiq, accusing him of struggling and striking out when officers tried to detain him in his apartment. According to Tofiq, no witnesses testified during the hearing and he was denied the right to be represented by a lawyer of his choosing.

He was released on 4 March, and told Amnesty International that he believed the real reason for arrest was a Facebook event page he created, named “Hajibala Abutalibov [must] resign”, calling for a demonstration against the Mayor of Baku, scheduled to take place at 3pm on 23 February in Central Baku. The page used images from the Euromaidan protests, which had gained vocal support from opposition party leaders and grassroots members in recent months. Tofiq Dadashov had created the Facebook page on 19 February, but soon after his arrest, at 8.15pm, a comment calling for a cancellation of the demonstration was posted on the page from his account. Tofiq said that he believes that police officers had

posted the comment after gaining access to his account from the computer taken from his home.

On 27 February at approximately 3pm, Chairman of the APFP Jalilabad branch, Tazakhan Miaralamli, was arrested as he left his home. According to Tazakhan's lawyer, he was approached by three plainclothes police officers on the street. They identified themselves and asked Tazakhan to accompany them to the police station. Tazakhan says that he fully cooperated, but was presented with a charge of "disobeying police" once he arrived at Narimanov District Police Department. The same day, Narimanov District Court handed him a 15 day jail sentence for "disobeying police orders".

The court judgement seen by Amnesty International showed that only one police officer had testified in court. He claimed that he had seen Tazakhan "acting suspiciously" while out on patrol with colleagues, so he approached Tazakhan, introduced himself and asked to see Tazakhan's identification papers. No description of the "suspicious" behaviour was provided by the witness. Tazakhan was alleged to have refused to do so, became agitated and started swearing at the officers. He was then arrested and taken to the police station. No other witnesses were questioned. When Tazakhan was refused the right to contact his own lawyer.

Tazakhan's was planning a future demonstration in Jalilabad, and is well-known for his online activism.

The same day, the personal bodyguard of the APFP leader, Bahruz Hasanov saw 10 uniformed and five plainclothes police officers standing beside his car as he tried to return home from visiting a friend. According to his lawyer, Bahruz was told that his car had been reported in a traffic accident and that he would need to come to the police station for questioning. Bahruz cooperated fully and was taken to the Surakhani Police Department where he alleges he was told by a senior officer that his detention is an "order from above" and not related to a traffic accident. Later that evening, Surakhani District Court handed Bahruz a 20 day jail sentence for "disobeying police orders".

Three civilian witnesses testified in the hearing, and said that they had seen Bahruz Hasanov "resisting police" and using "profanities" against the officers. All three witnesses claimed to have seen Bahruz asking one officer "why have you brought these dogs here?" Bahruz told his lawyer that he did not recognise any of the witnesses and denied seeing them at the scene of the incident.

The Chairman of the APFP Youth Committee, and Azadliq newspaper columnist Ilham Huseyn, was also detained by police on 27 February 2014. According to his family, a plainclothes officer knocked on their door at midday, and asked to see Ilham regarding a bank loan. According to his lawyer, later that evening, at approximately 8pm, Ilham was approached by a police officer while walking home later and told to accompany him and his colleague to the local police station regarding a problem with a bank loan issued to him. After briefly going home and notifying his family, he left for the police station with his father and the officers. However, when they arrived there, Ilham was told that he was facing administrative charges. His father was released, but Ilham was detained overnight. On 28 February, Khazar District Court handed him a 20 day jail sentence for "disobeying police orders" and "petty hooliganism".

Two police officers testified in the hearing, which lasted just over 30 minutes. They said that they had overheard Ilham using aimless swearing out loud in public while out on a routine foot patrol. When they approached Ilham and asked him to be quiet, he ignored them and continued swearing. He resisted attempts by police officers to detain him, and was then taken to the local police station. No other witnesses took part in the hearing.

On 1 March, at approximately 2.30pm in the afternoon, APFP activist and former PoC Jabbar Savalan was detained outside of his home. His mother said that Jabbar had left home to visit

the Sumgait Education Information Centre in order to apply for a Microscholarship TOEFL Program run by the US Embassy in the city.

Jabbar told his lawyer that a neighbour had warned him a day earlier that there was an unfamiliar and suspicious looking car been parked on the main road adjacent to the neighbourhood for some time. The next day, on 1 March, as he was walking towards this road, he spotted the vehicle and took a detour, but as he approached a crossing further down the road, three plainclothes officers grabbed him from behind and bundled him into the unmarked vehicle.

Jabbar was taken to the No. 3 Branch of the Sumgayit Police, then transferred to the Sumgayit City Police Department, where the police chief reportedly chastised him about his political views. He was then taken to Sumgayit City Court which handed him a 20 day jail sentence for "disobeying police orders".

The three officers who detained him were the only witnesses to testify in court. The officers all claimed to have overheard Jabbar swearing on the telephone while out on a routine foot patrol. They said that when they asked Jabbar not to swear in public, Jabbar disobeyed, swore at them and attempted to run away before being caught and taken to the police station. No other witnesses testified in the hearing.

In the morning of 5 March 2014, APFP member Aghaverdi Rushanov, was detained by police as he left home to buy medicine at a nearby pharmacy. The same day, Sabunchu District Court handed him a 20 day jail sentence for "disobeying police orders". Amnesty International has not been able to acquire further details about his case, as he was detained very recently and was not represented by a lawyer of his choosing at his court hearing.

Meanwhile, APFP member Turkel Azerturk who had gone missing on the night of 5 March, was handed a 20 day jail sentence for "disobeying police orders" in a hearing on 6 March. According to a statement issued by the APFP Youth Committee, on the evening of 5 March, Turkel had received a call from a woman who told him that she wanted him to deliver a package to Bahruz Hasanov, so he had left home to meet her at Fountain Square in central Baku. He was not heard from until he was allowed to make a call to his family after his hearing.

In a status posted on 24 February, Turkel had quoted a conversation with a senior police officer, who warned him that he would be "locked up for 5-6 years", when Turkel joked that an international arrest warrant should be issued for President Ilham Aliyev.

In at least four of the seven cases above, the only witnesses present in the court hearings were police officers. In at least five cases, the detainees were not provided with an opportunity to contact a lawyer of their choosing. In the five aforementioned cases, the defendants requested that they not be represented by a state appointed lawyers, but in all five cases, this request was dismissed. In the case of Jabbar Savalan, the only response to his insistence on being allowed to call his lawyer was provided by the judge at Sumgayit City Court, who told him that it would be unlikely that a lawyer could come to defend him on a weekend.

In addition to the detention of the five activists, APFP Youth Committee members, Taleh Samadov, Fuad Ahmadli, Huseyn Novruzov, and Ayet Ismayilov were briefly detained and released after questioning. Fuad Ahmadli said that he was asked about his activities on Facebook and warned not to make public calls for disorder on 24 February. Another APFP activist and former PoC Elnur Majidli claims that he is under constant surveillance, and a police car remains parked outside his home.

Statements from family members of Jabbar Savalan, Ilham Huseyn and Turkel Azerturk suggest that the men were under surveillance and sought by police before their detention. All seven APFP members were denied the right to be represented by a lawyer of their

choosing and the lack of evidence by independent witnesses in in at least four of the five hearings from which information is available, severely undermined the rights of the defendants to a fair trial. In the court judgements seen by Amnesty International, statements made by the defendants were ignored in the final judgement, and no effort was made by the judges to challenge the accounts of police officers. Furthermore, Article 310.1 (disobeying police orders) of the Administrative Code of Azerbaijan envisions a fine of AZN 200 (\$250) and advises a jail term of up to one month only in exceptional circumstances.

The numbers of activists detained and convicted in such a short period of time on the flimsiest of pretexts strongly suggests that these arrests form part of a planned assault on the APFP.

With this wave of arrests, the Azerbaijani authorities appear to be targeting key organisers within the opposition. All of those detained are known for organising others and using the internet to exchange and express critical views to a wide audience.

### **EXPLOSION AT APFP HEADQUARTERS**

At 4.35am on 3 March 2014, an explosion occurred in a barbershop based in the basement of a building housing the headquarters of the opposition APFP. Two APFP security guards present at the time, immediately called the emergency services and colleagues from the party. The fire emergency service managed to quell the fire triggered by the explosion at 4.51am according to an official report from the Ministry of Emergency Situations (MES). Their initial assessment stated that the explosion and fire had been caused by a faulty propane gas tank in the barbershop. In video interviews published in the media, the owner of the barbershop refuted these claims, and noted that not only were gas tanks never used or stored in the property, but that the barbershop was not supplied with any gas at all.

At 9am on 4 March, the Narimanov District Executive Authority issued a decree stating that the property had been deemed unsafe following an assessment by a working group of experts from the State Agency for Building Safety Monitoring Department of the MES. After surveying the property, the working group concluded that the cost of repairing the structure was not “economically efficient”. On this assessment, the local authority ordered the demolition of the structure and the setting up of a commission to provide alternative housing and property for affected residents and businesses.

The spokesperson for the APFP told Amnesty International that the owner of the property had informed the party of threats made against him and his family by government officials, even before the APFP moved into the property on 12 October 2013. In a phone conversation, the owner of the property, Azer Asgarov, told Amnesty International that he had been asked by the head of the Logistics Department of the Ministry for Emergency Situations, his own brother, to evict the APFP.

He said that during the conversation, his brother claimed to be speaking on behalf of the Minister of Emergency Situations, Kamaladdin Heydarov, and told him that lives of his children could be under threat. He warned of the likelihood of a fire or explosion occurring at the property if Azer Asgarov did not evict the APFP. On 4 March, he shared the secret recording of this conversation with Azerbaijani journalists who had gathered to report on the demolition of the building. The audio recording appeared to corroborate the allegations made by Azer Asgarov, but Amnesty International could not verify its authenticity.

Azer Asgarov told Amnesty International that he only found out about the explosion and fire from APFP members. The authorities had apparently made no attempt to inform him of the damage to his property, nor of the decision to demolish the structure the next day. He insisted that the authorities had made no attempts to consult him before the demolition work began, and therefore could not justify the decision not to carry out repairs on financial grounds.

Workers began demolishing the structure soon after 3pm on 4 March 2014, while APFP activists were still inside, as seen in photos and media reports from the scene. As of 5 March 2015, the party remains without an office in the city of Baku. A spokesperson for the party said the loss of the headquarters is likely to cause problems for the party in carrying out its legitimate and peaceful activities.

The Deputy Head of the Building Safety Monitoring Department of the MES issued a formal statement dismissing claims of that the structural safety assessment of the building was political. He stated that the building had been constructed at the beginning of the 20<sup>th</sup> century and that the later addition of a second floor and other architectural changes within the building had compromised the structural integrity of the building.

While Amnesty International is not in a position to comment on the quality of the safety assessment carried out by the authorities, the allegations of threats against the owner, the implausibility of the official explanation of the explosion, and the speed with which the demolition was carried out raise several questions that warrant further investigation.

Amnesty International believes that this most recent wave of arrests is the expression of a hardening stance by the regime to its political opponents. The failure to adhere to international fair trial standards suggest that the jail terms are engineered to punish and deter activism and critical expression within the opposition movement.

Amnesty International is calling on the authorities to halt its campaign of harassment of the APFP members and ensure that all political opponents and government critics can freely exercise their rights to freedom of expression, assembly and association.