



Murder of Elmar Huseynov

The investigation should not stop at finding the killers



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On 2 March 2005, **Elmar Huseynov**, editor of the weekly *Monitor*, was brutally murdered, shot seven times, as he was returning home to his family.

Shocked by this particularly grim event and concerned to check on the progress of the official investigation, Reporters Without Borders went to Baku from 6-9 April.

During their on-the-spot investigation, the organisation's representatives met the head of state, Ilham Aliyev, interior minister, Ramil Usubov, the deputy prosecutor-general, as well as the wife, colleagues and lawyer of the murdered journalist, editors of the main independent and opposition newspapers, the Norwegian and French ambassadors and the representative of the Council of Europe.

The investigation carried out by the authorities in collaboration with the American Federal Bureau of Investigation (FBI) and Turkish police is "irreproachable" from the procedural point of view, in the opinion of the lawyer for the journalist's family. The only two leads being followed by the authorities are that the murder was linked to Huseynov's work and that it was a murder than was instigated from abroad. The security services on 8 April redefined it as a "premeditated murder", a "provocation to the Azeri state" and "act of terrorism".

The head of state said he believed the killing was an attempt at "political destabilisation" that could have come from Armenia, the Armenian lobby or from the Northern Caucasus of Russia. An Azeri citizen born in Georgia was charged in connection with the killing on 22 April and on 4 May the authorities revealed the identity of a suspect with Georgian citizenship, whom they are now looking for. On 19 May, security services stated that Teymuraz Aliyev, a georgian citizen, is in international search.

The murder - the first in Azerbaijan for a number of years - sent shock waves through a media landscape characterised by an absence of pluralism in the broadcast sector and a polarised written press divided between a very highly

politicised opposition press and a pro-government press devoid of all critical sense. Since Ilham Aliyev took power on 31 October 2003, journalists have witnesses a disturbing and persistent deterioration in press freedom. No fewer than eight journalists have been arrested and six briefly held and threatened since January 2004. Journalists still face three years in prison for defamation and up to six years for "insulting the honour and dignity of the president".

Huseynov was murdered a few months before crucial legislative elections due this November. On 20 April, the Council of Europe, which had been very critical of the most recent polling in 2003, regretted the absence of dialogue between government and opposition. The media and a number of opposition leaders immediately pointed to a similarity between the Huseynov case and the murder in 2000 of Ukrainian journalist Géorgiy Gongadze that contributed to breaking Leonid Kuchma's hold on power.

The year 2005 also constitutes an economic turning point for Azerbaijan with the inauguration, on 25 May, of an oil pipeline linking Baku, Tbilissi (Georgia) and Ceyhan (Turkey) It is expected to go into service in October-November. The pipeline will give the state direct access to the world oil markets, which is likely to ruffle the feathers of its big Russian neighbour.

A contract killing

Elmar Huseynov was one of Azerbaijan's most



At the scene of the crime



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famous Russian-language journalists. A former hydro-electrician in Russia, he became a journalist in 1995. Three years later he bought a printing press in Baku and edited three newspapers that quickly demonstrated their forthrightness: *Bakinski Bulvar*, *Bakiskie Vedomosti* and *Monitor*. In a country where journalists do not always check their information, Huseynov was soon appreciated by colleagues for his professionalism. The weekly *Monitor*, published in Russian and selling 5,000 copies, appeared every Saturday from 1996 onwards, despite a raft of swinging fines following defamation trials, closure of its print works in 2000 and the freezing of its bank accounts.

In recent years, Huseynov, whose friends describe him as “pathologically independent” carried out numerous investigations into cases of corruption or abuse of power directly involving members of the government and the family of President Aliyev. In the 30 pages of the newspaper which he produced virtually alone every week, the editor of *Monitor* did not spare the opposition either. All at once he had a large number of detractors.

Two people preferring anonymity told Reporters Without Borders that Huseynov had received explicit death threats in January 2004, during a meeting with members of the internal security ministry. “If you carry on writing about Ilham Aliyev or his wife, we will kill you,” he was told. These comments were confirmed by the journalist’s wife, Rushana Huseynova.

By mid-February 2005 the journalist apparently realised the immediacy of the danger he was in. “Elmar told me that he was seriously thinking of leaving the country, but I reassured him by saying that it was unthinkable that the government had a “black list” of journalists and personalities to be physically eliminated,” said a personal friend of Huseynov’s who asked for anonymity, A second person who also declined to give him their name confirmed this: “He told me about this list two weeks before his death, without giving his source. When I insisted on knowing more he specified that it was a member of the presidential guard, but without naming him. I took the threat very seriously and I told him to be very careful.”

It was at this same time that the journalist, together with his wife and young son Aslan, surprised an unknown man at the entrance to the building who appeared to be watching them. “He was standing in a strange way, his hand hidden in his jacket was crossed on his chest, as if he had a gun in his hand,” his wife told Re-

porters Without Borders.

Around ten days before the murder, a man who gave his name as “Vussal”, very dark, short and slightly built, turned up at Huseynov’s home on five oc-



Elmar Huseynov

casions, each time between two and three in the afternoon. He asked his wife, who was in the apartment with her son aged 18 months, at what time the journalist usually returned in the evening. Each time his wife asked the man to come back in the morning when her husband would be there. “Vussal” visited for the last time on 24 February. He later contacted Huseynov on his mobile phone and suggested meeting in the city centre. But “Vussal” never kept the appointment, although it was arranged at his behest.

The first confused hours

Several witnesses said there was a power cut on the floor where Huseynov and his family lived, just a few minutes before the murder. All witnesses who gave evidence to investigators agreed that the murder took place at around 9pm.

Huseynov’s killer lay in wait for him between the 1st and 2nd floors of the building, according to early conclusions by the investigating team, Turkish police and the FBI. Ballistic experts said he fired seven bullets, all of them hitting Huseynov. The killer first fired four bullets into his back as he climbed the stairs. The fifth and sixth bullets entered the lungs and neck. The seventh, found at the scene of the crime, nicked the journalist’s face, grazing his nose. If the investigators first deductions, corroborated by his wife, are correct, Huseynov nevertheless managed to reach the door of his apartment before he collapsed. At the same time, Rushana Huseynova, alerted by a thud in the corridor found her husband slumped in front of the door in a pool of blood. She had not heard any shots because the killer had a silencer on his gun. Rushana’s sister and the journalist’s father, Sabir Huseynov, were also in the apartment at the time.

Police from the local Nizami district were on the



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scene within minutes of the murder, an unusually quick intervention for Azerbaijan. Rushana did not know who had called them. People questioned by Reporters Without Borders were unclear and assumed that neighbours had alerted the security forces. Rushana's testimony does reveal the lack of confidence citizens have in the security forces, simply suspected of being the armed branch of government. "From the moment the police arrived they kept going on at me. I was afraid they would hide the evidence because they wanted to immediately remove my husband's body," she recalled.

Extreme confusion reigned in the hours immediately following the murder. Representative of the Norwegian embassy and a representative of the French embassy were on the scene within around 15 minutes. By around 9.30pm the entire press contingent, particularly from the opposition papers, had turned up. Several hours after the murder, prosecutor general Zakir Garalov and Interior minister Ramil Usubov arrived at the journalist's home during the night.

The blood-soaked threshold of the door was not immediately sealed off by police and dozens of people were still coming and going between the landing and the apartment several hours after the murder. It was not until 3am that Rushana Huseynova accompanied her husband's body to the morgue, before going to the mosque, as tradition demands.

Although the murder was clearly premeditated, the method of carrying it out and the number of material clues found at the crime scene, point to the killer not being a professional. On 3 March, investigators found a Russian made Makarov gun under a tree about 150 metres from the apartment building. The gun had been fitted with a crudely-made silencer. They also found a light jacket, a hood and two cigarettes stubs. A hair taken from the hood and the two stubs are currently being examined jointly by



The journalist's body riddled with 7 bullets

the FBI and Turkish police.

First ballistic reports suggest the Russian made gun was the murder weapon and was apparently registered in Plovdiv in Bulgaria. Russian experts told the investigating team led by deputy prosecutor-general Ramiz Rzayev, that the very light weapon had originally been used by Russian security forces to fire riot gas and it had subsequently been converted.

Arrest of several suspects

Prosecutor Eldar Mejidov opened an investigation on 3 March for "premeditated murder committed with particular brutality" and "illegal possession of a fire arm", under Articles 120.2.4 and 228 of the criminal code.

The authorities very quickly sought to get other countries involved with the investigation, most likely to give it greater legitimacy. The Azeri government on 3 March contacted Russia, the United States, Turkey, France and Britain. "Only the United States and Turkey decided to help us," Ramiz Rzayev told Reporters Without Borders.

Five members of the FBI arrived at the crime scene on Friday, 4 March and left a week later having accomplished a mainly technical role.

Turkish police were in Baku from 7-20 March. On March 10 in Baku were arrested members of the gang of Lieutenant Colonel Hadji Mamedov. This group of former interior ministry officials has been responsible for abduction and murder of several figures in the last ten years.

On 4 April Ramazan Er, deputy head of Turkish security services announced that the Hadji Mamedov gang had murdered Elmar Huseynov.

On 8 April, Azeri police also arrested Colonel Kamil Sadraddinov, deputy chief of internal security at the interior ministry. This colonel had apparently learned of the actions of Lieut. Col. Hadji Mamedov and had demanded money in exchange for his silence. But unlike the Turkish authorities, Baku did not confirm that the arrests of the Hadji Mamedov and Kamil Sadraddinov gang members were linked to the Huseynov case.

The head of state, interior minister and the deputy prosecutor agreed on stating that after a month-long



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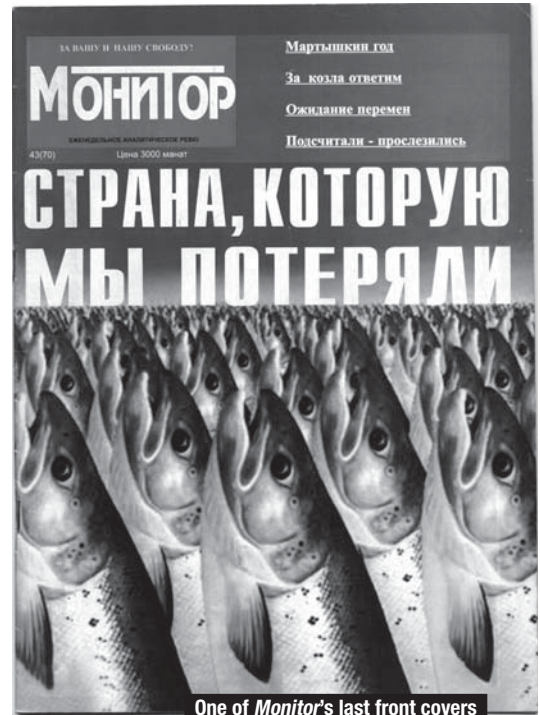
investigation the leads followed at the start (sexual or money affairs, personal vengeance, family score-settling) had all been dropped. The outstanding lead was that of a political murder linked to the victim's professional work. The head of state however wondered in discussion with Reporters Without Borders why the crime had been committed at that particular time. "A number of people could have legitimately taken offence at his criticisms over the past ten years," he said.

The prosecutor-general announced on 8 April that the interior ministry was pulling out of the investigation which would be left with the security services, since the two leads still being followed were those linked to the journalist's work and of a murder instigated abroad. The murder was being redefined a "premeditated murder", a "provocation to the Azeri state" and "act of terrorism".

Hundreds of neighbours, local shopkeepers, colleagues and friends have been interviewed since the start of the investigation, said deputy prosecutor-general, Ramiz Rzayev, heading the investigation. Police has also examined CCTV film taken from cameras on the journalist's route home from work in the hope of spotting possible suspects.

Rushana Huseynova's lawyer, Elton Guliyev, who had acted for the victim in around 20 cases, confirmed at the beginning of April that the investigation carried about by the authorities was, for the moment, "irreproachable" procedurally. According to his own sources, more than 60 people had been put on the case. Rushana told Reporters Without Borders that she had been interviewed by police and members of the investigation team around a dozen times, with each interview lasting around four hours. Turkish police had also interviewed her twice but she had not met any FBI representatives. The lawyer however said that although the investigation might quickly lead to the arrest of the killers, the government would do their utmost to hide the identity of the instigators.

The president's public-ideological department chief, Ali Hasanov, told Reporters Without Borders on 8 April that six suspects, all of them Azeri, had been arrested on 25 March. Two of them had been living in Russia and in an unnamed other country. On 22 April, the authorities named one of the six suspects as Turgai Bairamov, 29, an Azeri citizen born in Georgia who had been living in Baku since 1990. He was accused of collusion in the Huseynov case



One of Monitor's last front covers

and placed in custody at the state security ministry prison in Baku. He was suspected of having bought mobile phones for other people implicated in the murder and who had not yet been identified. The five other suspects were released.

The security services announced in a statement released on 4 May that the "number one suspect" was a Georgian citizen, Tahir Hkubanov, aged 46. He had been identified through a photo-fit picture based on information from the journalist's wife of the man who had turned up several times at their home shortly before the murder, who called himself "Vussal". Hkubanov, suspected of having left Azerbaijan the day of the murder is currently being hunted by Azeri security services. On 19 May, security services stated that Teymuraz Aliyev, a georgian citizen, is in international search.

Murder sent shockwaves through government

The murder prompted an immediate reaction from the authorities. President Ilham Aliyev called a security council meeting the following day and announced the immediate creation of a special investigating team, made up of the security services, the interior ministry and the Azerbaijani prosecutor's office, under the leadership of deputy prosecutor-general Ramiz Rzayev. «The head of state has ordered a speedy resolution of the murder case and monitoring of the way the investigation is carried out», said a joint statement released 3 March by the security services, interior ministry and the prosecu-



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tor's office.

Abroad, the Secretary General of the Council of Europe, Terry Davis, said in a statement on 3 March. «I am shocked by the brutal murder of Elmar Huseynov, which has all the hallmarks of a contract killing and I condemn it in the strongest terms». The following day he launched an “appeal to the Azerbaijani authorities” for the culprits to be brought to trial.

More than 10,000 people gathered in the streets of the Azeri capital for the journalist's funeral on 4 March, local organisers said. Questioned by Reporters Without Borders on the eve of the funeral about a possible protest movement in reaction to this abhorrent murder, an independent journalist said on the phone that he was doubtful, given the climate of fear that had settled on the journalistic profession. At the At a special ceremony in tribute to the journalist, presidential public relations chief Ali Hasanov was booed by an angry crowd.

President Ilham Aliyev had to change his itinerary at the last moment when visiting Warsaw, Poland because the university was blocked by Azeri students brandishing portraits of Elmar Huseynov, calling for an impartial international investigation into his tragic death.

On 9 April around 3,000 people joined an “anti-terror” demonstration, organisers of the rally in memory of Huseynov said. Reporters Without Borders had appealed to the head of state the evening before to take all necessary steps to avoid violence against media representatives. The demonstration, initially banned by the mayor of Baku, was finally authorised outside the Academy of Sciences.

The opposition jump into the breach

Several members of the opposition jumped into the breach opened up by the murder of the journalist, pointing the finger at the authorities. Leader of the opposition Popular Front, Ali Kerimli, was one of the most vociferous in accusing the government at the funeral on 4 March. “Elmar is a victim of political terror,” he said. “He has become a victim of the truth. Everyone knows how difficult it is to tell the truth in this country. They wanted to force him to shut, but you cannot force people to shut up. That does not frighten us. We will carry on the struggle to the end,” he said, during a ceremony at the Academy of Sciences in Baku. He also gave the authorities “two weeks” to “find the killers” and thus prove that they were not implicated.

The family convinced the government is to blame

“It's a political murder”, Rushana Huseynova, the *Monitor* editor's wife, constantly repeated.



He was the government's “*bête noire*”, those close to Huseynov stressed. Without pointing the finger at anyone in particular, Rushana Huseynova is convinced that the government had a hand in her husband's murder. She also expressed her concern at the 8 April decision of the justice system to take the interior ministry off the case and give it to the security services. “That means they want to bury the file” she said.

The authorities tried to appease the family the day after the murder by offering a pension of 100 dollars a month for the couple's young son but Rushana turned it down. The journalist's father, Sabir Huseynov, however accepted the government's offer of a 100 sq-metre apartment in Baku. But on the night of the murder he had told *Agence France-Presse (AFP)* that it was a political murder. “I don't know exactly who gave the order to commit this murder but it is someone in the government. We were expecting it but not now”. He however went back on this in his public statement at the funeral. Sabir Huseynov was also officially received by Ilham Aliyev on 11 April 2005.

Is there a government “black list”?

Editors of the major opposition and independent newspapers told Reporters Without Borders that they saw the murder of their colleague as a government warning aimed at silencing them. They considered that members of the Lt-Col. Hadji Mamedov gang could be Huseynov's killers.

As for the possible instigators of the murder, the leading editors point to figures close to the president who may have wanted to maintain their influence with the head of state, who was



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likely to purge his entourage with legislative elections upcoming. It could have involved Nakhshivani lerazes, Azerbaijani clans of Armenian origin. These “new rich” could have plotted the murder to weaken the president’s position and thus strengthen their influence over him.

Others see a possible hand in it of the secret services or the presidential guard, who could have wanted to finish off the journalist they made death threats against in 2004. They point to a diatribe by parliamentary deputy Jalal Aliyev, uncle of the head of state, who told parliament on 28 December 2004, that it was necessary to “combat opposition journalists who are completely immoral”. A number of them also accuse Beylar Ayubov, deputy chief of the presidential guard.

The editors base their accusations on the existence of a “black list” they believe was drawn up by the government and of which three people have been made aware through separate sources. Ganimat Zahidov, editor of the daily *Azadlig*, close to the opposition Popular Front Party told Reporters Without Borders that he knew about the existence of this “black list” which he himself was at the top of. “It was me who should have been murdered first, not Elmar,” he said. “I was spared because I published the number plate of the car that was following me in *Azadlig* in the days just before Elmar’s death”.

Mehman Aliyev, director of the independent news agency *Turan* also confirmed the existence a “black list”. He told Reporters Without Borders, “A former member of the secret services, who I know well, advised me not to walk about alone three days before Elmar’s murder. He repeated the warning on the actual day of his death”. A third person, who asked for anonymity, said that those on the list also included diplomats and human rights activists such as Leyla Yunus.

Opposition newspaper executives also recall that the authorities constantly harassed Huseynov in the past few years. He was sentenced to six months in prison in 2001 after being found guilty of defaming the Mayor of Baku Hadjibala Abutalibov. On 29 July 2002, he was sentenced to fine equivalent to 10,000 euros for defamation and had to publish a retraction after defence minister, Safar Abiyev, laid a complaint against an article he published that was critical of the army. A court in Yasamal sentenced him on 4 April 2003 to pay a fine equivalent

to 4,500 minimum salaries (4,600 euros) under Articles 147.2 and 148 of the criminal code for defamation and “insulting the honour and dignity of the president”. A court in Nizami, Baku ordered Huseynov to pay equivalent to 15,000 euros fine or face a criminal charge. The sum had been imposed on him three years previously after a defamation trial brought against the newspaper by the representative of the autonomous Azeri republic of Nakhitchevan.

Who benefits from the murder?

“We had started to get used to his articles, so why would we want to kill him now?” said the head of state on 8 April during a one and a half hour meeting with Reporters Without Borders, perfectly aware of the major political stakes raised by this case. “This murder is a terrible blow to the democratic development of Azerbaijan. The culprits will be identified and punished under the law, because I want the rule of law to run in Azerbaijan,” Ilham Aliyev said first of all.

It should be said that the murder is a particularly unwelcome event for the head of state in the run-up to crucial elections for the country. “Who benefits from the murder?” This is the question that the head of state puts, rejecting all responsibility for it. “I regret that some of the opposition is taking advantage of this tragedy that has hit the Huseynov family to accuse us,” he told Reporters Without Borders. He however said he was convinced that the opposition was not implicated in the case. “Personally, I do not believe that version”, he said.

He does believe however that the killing was born out of a “desire to destabilise Azerbaijan”, pointing to Armenia, the Armenian lobby or Russia as possible guilty parties. “Armenia is the vassal of Russia, which is not true of Az-



Rushana Huseynova (right) with the full *Monitor* team



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zerbaijan. I repeat, I do not rule out an Armenian connection” the head of state made it clear to Reporters Without Borders.

Interior minister, Ramil Usubov, pointed the finger at the same people in his interview with the worldwide press freedom organisation. “Do not forget the oil factor in this case,” Aliyev also reminded Reporters Without Borders.

The President stressed that Elmar Huseynov’s murder came “just before the November elections”, ruling out however any risk of revolution in Azerbaijan, because the country is “Not Georgia, nor Ukraine”.

Ilham Aliyev voiced his confidence in the progress of the investigation. “Everything will be revealed by the investigation, and that is why we have called on international experts”. He said he was open to any new form of collaboration. “We are ready to cooperate with Reporters Without Borders in the framework of a constructive non-political initiative,” he said. “We will provide you will all the information you want about the investigation in the weeks to come, in a regular and genuine manner, because our joint concern is that light should be shed on this murder,” he concluded.

Recommendations

Ilham Aliyev, aware of the political consequences likely to follow the murder of Elmar Huseynov acted quickly to make a symbolic gesture showing his desire for appeasement. On 20 March 2005, he pardoned 114 prisoners, 53 of whom were on a list of “political prisoners” drawn up by the Council of Europe. Rauf Arifoglu, editor of the daily *Yeni Musavat* and vice-president of the opposition party Musavat was among them. The Azerbaijan supreme court nevertheless refused on 29 March to lift charges against him, thus preventing him from standing in the November legislative elections.

A Council of Europe member since January 2001, Azerbaijan has to fulfil a certain number



Président Ilham Aliyev

of commitments in 2005 in the media sector. A draft law on “obtaining information” is due to be adopted on 1st June 2005 and will allow all journalists greater access to information. The Azerbaijani president also signed

a decree relating to state television 23 March under which he undertook to convert state-run television into a public service broadcaster.

In this light of information gathered in Baku from 6-9 April, Reporters Without Borders considers the investigation into the murder of Elmar Huseynov for the moment was conducted in a satisfactory manner as far as procedure goes. However the organisation pledges to pay particular attention to how it develops, especially now when the case is conducted by the Ministry of National Security. It hopes in particular that the investigation will not stop at finding the actual killers but will also end by identifying and putting on trial those who instigated it. Reporters Without Borders points out that a full resolution of this case constitutes a major test for the authorities.

Reporters Without Borders recommends to the Azerbaijan authorities that they:

- Ensure a transparent and impartial investigation so that the culprits but also the instigators, whoever they are, are quickly brought before the courts;
- Provide the media and international press freedom organisations with complete information about the operation and progress of the investigation, while of course respecting the confidentiality of the investigation.
- Provide better protection for those journalists who ask for it, so that such a tragedy will not happen again.
- To officially receive the journalist’s widow to express their compassion and solidarity.