

Azerbaijan Jails Opposition Figures

Author: [Rufat Abbasov](#)

President condemns opponents as “common criminals”, but there are signs that having made its point, the government may release seven convicted men.

The authorities in Azerbaijan have marked the first anniversary of the election of President Ilham Aliev by jailing seven of his political opponents.

As the trial lasting almost a year came to an end on October 22, five-year sentences were handed down to two vice-chairman of the opposition Musavat party, Arif Hajili and Rauf Arifoglu, after a year-long trial in which they and five other opposition leaders were accused of inciting street protests which erupted in the capital Baku after Aliev’s election.

The disturbances broke out as opposition supporters refused to accept the overwhelming victory that officials claimed for Ilham Aliev in the October 15, 2003 ballot.

One person died and hundreds were injured in the overnight clashes between protesters and police. Around 600 people were arrested, of whom 128 were prosecuted.

Ilham replaced his father Heidar Aliev, who had ruled the republic since 1993, and had been Communist Party boss in Azerbaijan for much of the previous two decades. The elder Aliev died in December last year.

No one really expected acquittals for the men accused of being the ringleaders, and charged with “organising and taking part in mass disturbances” and “offering resistance to government bodies”, but the sentences were seen as excessively harsh.

In addition to Hajili and Arifoglu, the others who were convicted included Sardar Jalaloglu, leader of the Democratic Party, and a former prime minister, Panah Husseinov, jailed for four years each, a third vice chairman of Musavat, Ibrahim Ibrahimli, and the head of the Umid party, Iqbal Agazade, both of whom got three years. The seventh man, Etimad Asadov, who heads the Karabakh Invalids’ Association, got off lighter than the rest – with two and a half years – because the court took into account his service as a soldier in the war over Nagorny Karabakh.

Judge Mansur Ibaev presented his verdict in a marathon four-hour session, but unfortunately, his summing up was delivered in such a low voice that no one could hear it towards the back of the courtroom. The accused Husseinov injected a note of levity into the proceedings, drawing laughter as he told the court, “Up until now, as long as the trial has been in progress, there has been a microphone at every sitting, but today it’s been removed – more than likely because Ibaev is ashamed to deliver this verdict.”

Husseinov’s fellow-accused Hajili responded to the verdict by calling out, “This is a rigged court and a rigged verdict!” Jalaloglu said all seven would appeal against the ruling, and if this did not succeed they would go to the European Court of Human Rights.

Leading human rights activist Eldar Zeinalov, who heads the Azerbaijan Human Rights Centre, believes the convicted opposition leaders are political prisoners. He told IWPR that the court failed to demonstrate that they played a part in last year’s unrest, and in any case the punishment was disproportionate to the alleged offence.

“Punishment for such actions is traditionally restricted to a few days’ arrest or a fine. This stands out all the more clearly when one compares it with the failure to punish the other side in the clashes – policemen, who beat up women and journalists,” he said.

One of the defence lawyers in the case, Mirismail Hadi, insisted that “the underlying motive is political”.

Although this was technically a criminal law case, the authorities have implicitly admitted that it has political ramifications. In an interview he gave to Reuters in early October, Ilham Aliev said the seven opposition leaders - who at that point had not been found guilty - were “common criminals who have broken the law”.

He went on to indicate that the problem with the men was that they were not offering the kind of political opposition that he wanted to see. “The Azerbaijani people are sick and tired of these political relics... Society can develop only if there is a serious and constructive opposition. After so many defeats, however, this one should retire,” he said.

The severity of the court’s verdict drew criticism from many, including international organisations.

“It’s a great blow to Azerbaijan’s statehood,” said Muzaffar Bakhshev, who monitored the trial for the OSCE. “I believe the government ought to bring criminal charges against the panel of judges for falsifying the judicial process.”

The press release the OSCE issued was considerably more diplomatic, saying the international body “welcomes the end of the trials.... Notwithstanding any concerns, the verdict in this case marks the long-awaited end of an unfortunate chapter for Azerbaijan”. It added that the OSCE is compiling a report on the fairness of the trial which it will submit to the Azerbaijani government shortly.

The international media rights group Reporters Without Borders said it was "staggered by the extraordinary harshness" of the five-year term given to Arifoglu in particular, who as well as being deputy head of Musavat is editor of the opposition newspaper Yeni Musavat.

Despite the shock of the verdicts, there is already talk that the convicted men could be released fairly soon.

Andreas Gross, who co-authored a report on Azerbaijan by the Parliamentary Assembly of the Council of Europe, PACE, said the sentence should not be considered final or beyond appeal. “The opposition leaders will be freed within the next four to five months,” he said in a BBC interview.

The head of the Azerbaijan’s delegation to PACE, Samed Seidov, indicated that the authorities might indeed be prepared to take a softer line. He told the Baku newspaper Zerkalo that he thought “the question of a pardon has not been ruled out, and there will be movement on the matter”.

Defence lawyers say their clients are currently being held in solitary confinement.

“However, they are in fighting mood, and full of determination to fight for their rights,” said Jalaloglu’s lawyer Namizad Safarov.

Rufat Abbasov is a correspondent for Reuters. Shahin Rzaev is IWPR's project coordinator in Azerbaijan.

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