

## **Azerbaijan's 'Torture Chambers'**

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The UN is investigating reports of police brutality in Azerbaijan, but alleged victims of state torture have little hope that their tormentors will ever be brought to justice.

Still haunted by his nightmarish ordeal in an Azeri prison, Elchin Bekhbudov is fighting for rehabilitation. A former officer in the special directorate of the presidential staff, Bekhbudov was arrested in the wake of the failed coup of March 1995. He was one of 37 members of the Special Police Unit (OPON) accused of taking part in a plot staged by Deputy Minister Rovshan Javadov to overthrow the government.

During his interrogation, Bekhbudov claims he was beaten repeatedly and had his legs crushed in a vice. He was then subjected to the notorious "elephant"--virtual suffocation by being forced to wear a gas-mask with a blocked air supply. Under threat of electric shock torture, he signed a full confession and was promptly imprisoned.

But Bekhbudov can consider himself lucky. Freed from jail in March 1996, he has since been campaigning for his case to be re-examined and his tormentors to be brought to justice. Other defendants in the notorious "Case of the 37" are still languishing in Azeri prisons with little hope of an early release.

Until 1996, the victims of police brutality suffered in silence. Prisoners hoped their discretion would help lighten their sentences, while relatives feared official complaints would have an adverse effect on the way the inmates were treated. Deaths in police custody went unpunished.

However, the "show trials" of 1996-1997 opened a horrifying can of worms. The Case of the 37 was followed in the summer of 1995 by the so-called "Generals' Conspiracy" --a second attempted state coup which implicated the deputy defence minister and two other generals among others. During both trials, defendants complained that they had been subjected to brutal interrogations during the investigation. Identical torture methods were described by generals, soldiers, journalists and businessmen who had had no previous relationship before the court hearings.

Nineteen of the 21 defendants in the Generals' Conspiracy claimed they had been tortured: similar depositions were taken from 25 defendants in the Case of the 37 and 30 witnesses in the trial of the former Prime Minister Suret Huseynov, who was sentenced to life imprisonment for his involvement in the coup d'etat of October 1994.

The authorities found the accusations particularly embarrassing as they imply direct contravention of international treaty and state law. On May 31, 1996, Azerbaijan ratified the 1984 Convention against Torture and Other Cruel, Inhuman and Humiliating Forms of Treatment and Punishment. In addition, Article 177 of the Criminal Code of 1960 prohibits police from forcing confessions through threatening or any other unlawful actions. Article 180 bans any attempts to force defendants, witnesses, plaintiffs, experts or translators to give false testimony.

The allegations described a systematic catalogue of medieval torture methods. Investigators reportedly subjected their victims to inhuman conditions, keeping them in cold, damp cells with no bedding, denying them sleep and interrogating them round-the-clock on a so-called "conveyor" system with officers working in shifts.

Physical abuse included beating the head and soles of the feet; crushing limbs in a vice; attaching electrodes to the victim's ears; depriving chronically ill prisoners of medical aid; stubbing out cigarettes on bare skin; inserting bottles into the rectum and, less frequently, the "elephant" or tearing out finger- and

toe-nails.

Forms of moral intimidation included arresting close relatives; raping the suspect's wife or daughter; raping the suspect himself or torturing another prisoner in the suspect's presence. Prisoners were often denied legal counsel, openly libelled in the media and threatened with more serious charges.

Attempts to prove the victims' testimonies through the courts have been largely inconclusive. In the Case of the 37, only five of the 25 defendants who reported acts of police brutality were given expert examinations. Of these, three were found to have suffered broken ribs but the judge later dismissed the complaints on the grounds that the injuries could have been sustained by the OPON servicemen in the line of duty.

When Huseynov, the former prime minister, testified that he had been beaten across the head, the judge ruled that the injuries were self-inflicted. State prosecutors, however, failed to explain why Huseynov had received no medical aid and a written statement on the injuries was only produced several weeks after the event.

According to figures released by the Human Rights Centre in Baku, 710 suspects were arrested in the wake of the March 1995 coup. Of these, 207 were released after the prosecutor's office dropped charges against them, while another 75 were granted an amnesty and seven were given a conditional discharge. Thus even according to official figures, one-third of these suspected "traitors" were later cleared of all charges.

However, torture is not reserved for political prisoners alone: the treatment of suspected felons is said to be equally brutal. Investigators lacking evidence for crimes are alleged to employ torture methods to extract confessions that will make their case stand up in court.

Azerbaijan's bid for membership of the European Union in the autumn of 1996 brought new hope that the treatment of suspects would improve. A commission for the Ministry of Internal Affairs, the Ministry of Justice and the Prosecutor's Office conducted an unprecedented inspection of the investigation cells. The dismissal of the prison supervisor followed and several cases of human-rights abuse were reported. Dramatic measures were taken to improve conditions in Azerbaijani prisons while the number of complaints fell significantly.

In a report to the United Nations in November last year, deputy prosecutor-general Fikret Mammedov told delegates that the new Constitution had already enshrined the prohibition of torture and new progressive laws had been adopted to protect human rights. New judicial legislation assured the impartiality of judges while the Azerbaijani government was considering the appointment of an independent inspector for prisons.

However, the UN Committee Against Torture, which examined preliminary reports from Azerbaijan, has expressed concerns that reports of police brutality are still commonplace. It also noted that the exact definitions of torture in Azerbaijan remain hazy, thus hampering efforts to identify incidents of human rights abuse. The UN investigators are also concerned that local authorities fail to investigate complaints properly and judges are at liberty to dismiss charges against police officers accused of torture. The UN inspectors have yet to return recommendations for specific reforms.

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