

Murder Case Judgement Reverberates Around Caucasus

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Armenia welcomes life imprisonment for Azeri military officer who killed Armenian - but Azerbaijan seeks appeal.

At the end of a case that has transfixed the two warring countries in the Caucasus, a Budapest court handed down a life sentence last week to an Azerbaijani military officer found guilty of murdering a colleague from Armenia attending the same English course.

Ramil Safarov was given a life sentence without right of appeal for 30 years, for the murder of Gurgen Margarian with an axe in February 2004. Both men, who were aged 26 at the time, were attending a NATO English-language seminar in Hungary.

The case has become a cause celebre in both countries, divided by conflict for more than 18 years, with groups forming in Azerbaijan to champion Safarov and Margarian being honoured as a martyr in Armenia.

The murder was committed on the night of February 18-19 in the military academy in Budapest where the two men were staying. Safarov came into Margarian's room and killed him. A post-mortem established that he delivered 16 axe-blows and almost severed Margarian's head.

Having killed Margarian, Safarov then went down the corridor and tried to break into the room of the second Armenian officer on the course, Haik Makuchian, but his door was fortunately locked.

The judge Andras Vaskuti explained the severity of the sentence by saying that the murder had been premeditated and brutal and that Safarov had shown no signs of remorse.

Safarov's lawyers made a case that their client was suffering from post-traumatic stress, as he comes from Jabrail, one of the regions of Azerbaijan outside Nagorny Karabakh taken by the Armenians during the conflict in 1993 and now under Armenian control.

There were several examinations of Safarov's mental health, with one coming to the conclusion that he was not entirely sane. However, in the end, the judge cited the last assessment, which concluded that Safarov was of sound mind when he committed the crime.

Safarov's father Sahib Safarov told IWPR that his family were the victims of Armenian aggression.

"Two of his cousins died from the bullets of Armenian aggressors - Ildirim Khudiev and Jabbar Yusifov," he told IWPR, giving details of atrocities committed by Armenian forces in Jabrail against his family. "What kind of attitude do you have to that?"

In an interview published in Ekho newspaper in January, the senior Azerbaijani psychiatrist Professor Agabek Sultanov - present at the mental health examination of Safarov, which deduced that he was not entirely sane - said that he had reached the conclusion that Safarov suffered from mental trauma.

Safarov later told the court that he was at home in August 1993 when Armenian forces attacked his home region at the height of the Nagorny Karabakh war – although this version of events is disputed, with Safarov saying at another point that he was studying in Baku and Turkey between 1992 and 1996.

Sultanov also said that Safarov had told him that he and his Azerbaijani colleague had been taunted and sworn at by their Armenian counterparts on the NATO course. In one incident Safarov came to a birthday party of a Hungarian colleague and gave him a wristband depicting the Azerbaijani flag. Margarian reportedly came later and told the Hungarian that the red strip in the flag was “their blood, which we shed, we should rip out all their guts”.

This apparently is the origin of the account in the Azerbaijani media that Margarian had insulted the Azerbaijani flag.

However, no witnesses were produced by the defence to confirm these incidents of harassment in court and prosecution lawyers strongly disputed that they had taken place. They also accused Sultanov of bias, saying he had exceeded his responsibilities by taking part in a medical examination of Safarov in contravention of Hungarian law.

“For two years the Azerbaijani side has created a whole industry of lies around this case and not a single assertion has received confirmation in the course of the trial,” said Haik Demoyan, who represented the Armenian defence ministry at the trial.

In his last words to the court on April 13, the accused asked them to take into account his psychological state, but did not say he was sorry for what he had done.

Handing down a life sentence, the judge emphasised that “the murder of a sleeping man in peace time is always a crime and cannot be an act of heroism”.

Newspapers and broadcasters in both countries took a passionate interest in the case with the Armenian media widely reporting that an ultra-nationalist Azerbaijani newspaper had called Safarov “Man of the Year”, while the Azerbaijani media gave prominence to a statement by an Armenian nationalist that he would pay 125,000 dollars for the assassination of Safarov.

In Armenia, the sentence was warmly welcomed. In Azerbaijan there were mixed views of Safarov himself, but there was near-universal agreement that the sentence was too harsh.

Haik Demoyan told a press conference, “The sentence for Safarov was also a verdict on the anti-Armenian policies of Azerbaijan.”

Levon Mkrtchian, head of the nationalist Dashnaktsutiun group in the Armenian parliament, said, “The decision has a moral and political meaning for us.”

Narine Abrahamian, a lawyer, said, “I am sorry for Safarov, he is still young and has already committed such a grave crime. I think such a harsh sentence was required to prevent the repetition of similar brutal

crimes wherever Armenians and Azerbaijanis live together.”

Anna Hakobjanova, from the Azerbaijani town of Sumgait where many Armenians died in pogroms in 1988, said, “It is hard to even imagine what would happen if everyone who had suffered from war starts to seek vengeance. Whole families died during the Armenian pogroms in Sumgait and Baku. So should we all go and arm ourselves with axes and go and kill Azerbaijanis.”

A public organisation Defence of the Interests of Gurgen Margarian has been formed in Yerevan by his friends and colleagues. His parents have been allocated a plot of land for the construction of a house. They have never publicly commented on the case of the murder of their son.

In Azerbaijan human rights ombudsman Elmira Suleimanova called the sentence “unjust” and said she hoped that Safarov could be extradited to Azerbaijan. She had earlier praised Safarov as a “model of patriotism for Azerbaijani youth”.

Eldar Zeinalov, head of the Human Rights Centre of Azerbaijan, also said the life term was “unjustifiably harsh,” arguing that the court should have taken into account the youth of Safarov, the fact that this was his first offence and positive character references about him.

Three days after the murder Azerbaijani president Ilham Aliyev called on the media “not to inflate this matter”. But campaign groups swiftly formed to call Safarov a hero.

One of Safarov’s main defenders, Akif Nagi, who also heads the Karabakh Liberation Organisation which leads calls for a military re-conquest of Nagorny Karabakh, said the court had “unequivocally supported the Armenian side” and insisted that Safarov should have been tried by a military tribunal since the murder had taken place during a NATO seminar.

The Karabakh Liberation Organisation organised a rally on April 17 in the centre of Baku in which hundreds of students chanted “Freedom for Ramil Safarov”. The march was broken up by police and dozens of protesters, including Nagi, were detained.

Azerbaijani housewife Fatma Mamedova is one of those who voiced support for Safarov as someone who was expressing the frustration of Azerbaijanis who lost their homes to the Armenians.

“Ramil put up with it for a long time but in the end he couldn’t bear it,” she said. “And I think he did the right thing. One way or another he paid for the death of his nearest and dearest at the hands of the Armenians and for the fact that his home is under occupation.”

Fuad Agayev, a respected Azerbaijani lawyer, agreed that the sentence was too harsh, but blamed “certain public organisations functioning in Azerbaijan” for making things worse for Safarov.

“They should not have used this unfortunate man and his act for their own purposes,” Agayev told IWPR. “We have to urgently stop this current campaign to raise Safarov to the rank of national hero. He is no hero.”

Safarov's lawyers said in Budapest that they would try and get his sentence reduced to one of 10-15 years and that if they had no success they would apply to the European Court of Human Rights.

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