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The situation for a political prisoner in Azerbaijan

Reply to Written question[1]: Written question No. 565 (Doc. 11869)
Committee of Ministers

1. Question from Mr Lindblad

The Parliamentary Assembly of the Council of Europe resolved in June 2008 to pursue its monitoring on the honouring of obligations and commitments by Azerbaijan. The reasons for the continued monitoring are presented in the resolution. When joining the Council of Europe in 2001, Azerbaijan clearly opted for European standards with respect to democracy, the rule of law and human rights. In the 2008 monitoring report the Assembly found reason to express great concern about the deteriorating human rights situation in Azerbaijan, the lack of independence of the judiciary, and other things (resolution 1614/2008). As to the success of the reforms accomplished by Azerbaijan the Assembly says that it is less a matter of the letter of the law that a matter of implementation.

The intention of my question to the Committee of Ministers is to draw the attention to the case of Mr Farhad Aliyev, Azerbaijan's former Minister of Economic Development, and his brother Mr Rafiq Aliyev, imprisoned for an alleged coup attempt in 2005. The circumstances under which the arrest and trial occurred are inconsistent with the standards set by the Council of Europe. The proceeding, according to Mr Aliyev's attorney, has violated the defendants' right to fair pre-trial investigations, the presumption of innocence until proven guilty, and the right to defence.

In its resolution 1545 (2007) the Assembly stated that it expected the trial of Mr Farhad Aliyev – who had been kept in pre-trial detention since October 2005 – to start without further delay. Two years later the trial has indeed taken place. However, the court's decision to sentence him to ten and his brother to nine years of imprisonment cannot be justified since it is based on a fabricated accusation and false testimonials and evidence. Furthermore all attempts to appeal the case were rejected or not taken into consideration.

Recently it has also been reported that Mr Farhad Aliyev's health has deteriorated. He suffers from a heart disease and needs appropriate medical care. He has been denied access to his own medical records and is prohibited from selecting doctors to examine and treat him.

What means does the Committee of Ministers have to ensure that Mr Farhad Aliyev and his brother receive a fair trial? How can appropriate medical treatment for his heart disease be guaranteed?

Reply by the Committee of Ministers

1. In reply to the question from the Honourable Parliamentarian, the Committee of Ministers recalls that its Monitoring Group (GT-SUIVI.AGO) has been following the situation of Mr Farhad Aliyev and his brother, Mr Rafik Aliyev, since their arrest.

1. adopted at the 1063rd meeting of the Ministers' Deputies (8 July 2009)

2. The Committee has been informed that judicial proceedings concerning Messrs Farhad Aliyev and Rafik Aliyev are pending before Azerbaijani's domestic court as well as before the European Court of Human Rights. The outcome of these proceedings is awaited. The Committee of Ministers would like to emphasise that it is primarily for national judicial authorities and ultimately for the European Court of Human Rights, to determine whether national measures and decisions comply with the European Convention on Human Rights.

3. With respect to medical assistance, the Committee recalls that the European Convention on Human Rights imposes on member states the obligation to protect the physical well-being of persons deprived of their liberty within their jurisdiction. It also refers to its Recommendation No. R (98) 7 concerning the ethical and organisational aspects of health care in prison. The Committee of Ministers has taken note of the information provided to it by the authorities of Azerbaijan according to which Mr Farhad Aliyev's right to health is being ensured.