



THE CONCLUSION

of the Independent Public Commission
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Baku city, October 15, 2002

The police was leaving the settlement. I heard one of the officers said on the phone: "I've never met this type of people before. They went barehanded against the submachine guns". When I was passing by the police officers, I said to them: "If these people were sent to protect Karabakh, then Karabakh would have been liberated long ago". My words made the police officer very angry and he hit me on my face by the gun's rifle. There was blood all over my face and I lost consciousness.

*From the testimonies of the
65-years old Agataga
Mammedtagizade*

REASONS TO ESTABLISH THE COMMISSION AND ITS MEMBERSHIP

On the 3-d of June, 2002 the police and the internal forces of the Ministry of Internal Affairs used fire-arms against the local citizens of Nardaran village (located 35 km away from the capital of the republic of Azerbaijan, Baku city) in the result of which the people died and got injured. The community of the republic, numerous local and international non-governmental human rights organizations addressed to the headship of the republic with requests to hold an independent investigation. The Ministry of Internal Affairs as well as the Office of the General Prosecutor investigated the Nardaran events during two months. In the result, a joint statement of the minister of internal affairs and of the General Prosecutor was published on the 1st of August, 2002. The statement lacked precision and contained disinformation that caused grounded criticism in the society.

Besides, the joint statement said about initiation of a criminal case and about search for the 16 citizens of Nardaran village (the names of only three of them were mentioned in that statement). By the moment the report was finished, one of these citizens, Djebrayil Alizade had already been detained. The names of the rest of people wanted by the police are still unknown and therefore, each citizen of Nardaran village is afraid to be detained and correspondingly they don't dare to leave the village. Thus, the village has practically been held in siege since June 3.

Shortly after the official version of the events was published, on August 3 a group of the members of the Federation of Human Rights Organizations of Azerbaijan's (FHROA) as well as the National Committee on Protection of Victims of Abuses of Officials (NCPVAO) met with the citizens of Nardaran village at their instance to receive current information on the events and to do what they can to help these people.

During the meeting the Nardaran's citizens criticized the official investigation that, in their opinion, was very passive, biased and oriented to the joint statement of the General Prosecutor and of the minister of internal affairs from the 1st of August.

The Nardaran citizens mentioned about necessity to hold a parallel investigation of the Nardaran events both by the special parliamentary commission and by the human rights advocates. The decision to establish such an independent commission of the human rights advocates, experts (jurists and doctors) to hold an independent public investigation of the tragic events in Nardaran was taken by the FAHRO at the suggestion of Leila Yunus, director of the Institute of Peace and Democracy.

The members of the commission are:

- Human rights advocates: Leila Yunus (The Institute of Peace and Democracy), Eldar Zeynalov, Zaliha Tahirova (Human Rights Center of Azerbaijan), Hajimurad Sadaddinov, Rena Najafzade (Foundation of the Democracy Development and Human Rights Protection), Elmira Alekberova (Center of the Development Programs "El"), Mirvari Qahramanli (Committee of Protection of Rights of Oil Workers) – from the FHROA as well as Fuad

Hasanov and Rafiq Zeynalov (from NCPVAO).

- Independent experts: Ilgar Altay (Mammedov) (a candidate of judicial sciences, a 1st rank forensic expert with 13 years of experience in this field), Tarana Hasanova (a physician, obstetrician-gynecologist), Azad Isazade (a physician, psychologist), Fuad Agayev (a jurist, lawyer, a member of the Bar Association), Ramil Hasanov (a jurist).
- The Nardaran citizens: Djebrayil Jabrayilov, Islamali Aliyev, Abdul Talibzade.

The work carried out by the commission and its conclusions are supported by professionalism and experience of its members – jurists, doctors, forensic experts and human rights advocates.

THE WORK IMPLEMENTED BY THE COMMISSION AND CHARACTER OF THE COLLECTED MATERIALS

To give an accurate and objective account of the events that took place in the Nardaran village on June 3, the Commission held its work in various directions:

- Analysis of the official papers and of the information given by mass media.
- Collecting of the testimonies from the witnesses of the events that occurred on June 3 (held by the professional jurists).
- Medical examination of the Nardaran citizens that got bullet wounds as well as were beaten by the police (held by the forensic expert in presence of witnesses).
- Inquiries to the medical institutions about conducted surgery operations and about other medical treatment of the injured people from Nardaran.
- Medical examination of other citizens of the village: women that gave birth to dead children within a month after the events of June 3, and of the elder people suffering from the posttraumatic syndrome after events of June 3 (held by the doctors – a gynecologist and a neuropathologist).
- Medical examination of the children in order to define a posttraumatic syndrome (held by the doctors- a psychotherapist and a neuropathologist).
- Investigation of the circumstances that brought to death of A.Agayev.
- Investigation of the premature deaths (in the result of infarcts) of the village citizens within a first month after events of June 3 (held by the group's doctors).
- Collection of other evidence – impressments of bullet shells and of bullets in the place where the events took place (held by a human rights advocate who has had such experience before, in presence of the witnesses).
- Photo- and video documentation.
- Study of the imprisonment conditions in which the Nardaran citizens are being kept.

In total, during 2.5 months of its work, the Commission questioned 69 witnesses and victims; an expertise of 13 wounded and beaten people, 4 women, 43 children and teenagers was held; the questionnaires on each of 15 prisoners of “The Nardaran case” were completed. Parallel to the expert jurists, the Commission also cooperated with the detainees’ lawyers and with the members of Council of Elders.

The gathered documents and evidence were systemized in order to use them afterwards as materials for the future court process.

The commission never set a task to define concrete initiators of the events nor to determine the level of their criminal responsibility, it never aimed to divide responsibility for these events between the local and central bodies of authorities nor tried to analyze the social-political consequences of the Nardaran events or consequences of the subsequent repressions. The answers to these questions may be given only by the unbiased and complete official investigation, by an independent commission established by the parliament with participation of its members, of human rights advocates, of experts and observers from the international organizations as well as by the independent, fair and unbiased court.

BACKGROUND OF THE EVENTS OF JUNE 3

In December, 1999 the citizens of the Nardaran village (the population of which is 8,000 people) were practically prohibited to create a local municipal body; half of 15 candidates to 11 places of the municipal councilors were refused from registration. In the result, the Nardaran citizens refused to participate in falsification of the municipal elections and thus, Nardaran has turned to be the only village of Azerbaijan without a municipal council for almost three years.

Absence of the municipal body and inactivity of the village council hampered resolution of the social-economic problems of the local people (worsening of gas and power supply to the village, unemployment). That is why since November 2000 the Nardaran's population has been expressing social-economic demands and protesting against illegal actions of the local police. As a rule, demands of the Nardaran's people were ignored by the district and city councils. Only in January, 2002 a newly appointed mayor of Baku city, Hajibala Abutalibov responded to the demands of the Nardaran people and visited the village. Having recognized validity of their demands, the executive power started working to improve the situation, which was highly approved by the local people.

At the suggestion of Baku's mayor, "A Council of Elders" was established in the village in February, 2002 as a legitimate party for negotiations with the government.

However, one of the demands – to change the head of the village council – was not satisfied. On May 7, 2002 a group of the displeased citizens held a picket in front of the village council demanding to replace the head of the village council Fazilat Mirzoyev with a local citizen Hajinayat Rustamov. This protest action was caused by the incident that took place on May 6 when the minister of education Misir Mardanov visited a computer class in the Nardaran secondary school and demanded that the schoolgirls didn't wear charshab in the school. A big number of the police officers and of internal forces was sent to the village to stand against reaction of the Nardaran people. However, the Nardaran people estimated the minister's statement as provocation and never reacted to it.

A few days later, in the morning of May 12, 2002 the police squads and internal forces entered the village unexpectedly for the local people and prevented the protest action that was to be held on that

day. The forces left the village only in the evening and the Nardaran people estimated this incident as an intimidation action.

On June 2, 2002 a district prosecutor invited the village elders Seyfulla Alizade and Islamali Aliyev to his office. He told them that "this uncertainty should be stopped" and suggested to hold a meeting between the district council and the village elders in order to find a resolution to the problem. The meeting was to be held at 11.00 a.m. on June 3. There was a request to bring 10 village elders to this meeting, including a candidate advanced by the Nardaran people for the position of the head of executive power. Eight village elders (Seyfulla Alizade, Fuzuli Babayev, Hikmet Veliyev, Etibar Zakiyev, Sameddin Rahibzade, Inayat Rustamov, Hamid Yakhshibeyov and Huseynqulu Bayramov) agreed to meet with representatives of the district council, however they were detained upon their arrival at the prosecutor's office. Later it was established that the village elders were detained by the special police squad in black masks. Thus, the peaceful citizens that were invited to talk to the representatives of the district council, were laid on the floor as terrorists at gunpoint, their hands were handcuffed and black masks were put on their heads. Then they were taken to the Department on struggle with organized criminality (DSOC) of the Ministry of Internal Affairs without any explanations.

NARDARAN, JUNE 3

The Commission established that the armed police forces entered the Nardaran village three times on June 3. Thus, an hour after the elders' delegation left the village, approximately at noon two police buses and 6 cars suddenly drove into the village simultaneously from several directions; the police officers and internal forces were armed with batons, shields and machine guns, there were also several police dogs without muzzles on them. The armed police forces stayed on the square and in the administration office. When local people asked the police what was happening, they answered that someone supposedly was murdered in the neighboring Bilgah village and that is why the police was conducting police trainings. Others heard different versions from the police: they said that they arrived in the village to hold searches in the detainees' houses.

Soon the village was fully blocked by the police; the policemen were self-confidently driving inside of the village in absence of the village council's head and sometimes in absence of the local police inspector. They held searches in the houses of the people that were detained in the morning, no documents were submitted by the police to the owners of the houses and no protocol acts were composed. They also held searches in the houses of other elders, for instance in the house of Mehrab Alizade. Having found nothing, the armed police officers left the village.

At approximately 3.00 pm internal forces and the police entered Nardaran one more time. Two hours later they left the village

and took up positions in its suburbs. At the same time 1-2 police buses with unarmed policemen remained in the village.

At 5.00 pm a news program on Lider TV channel stated that the authors of disorders in Nardaran village were detained. The Nardaran people learnt that the delegation of the Nardaran elders was arrested from that news program. To confirm this information, 10 representatives of the Nardaran community went to the prosecutor's office of Sabunchi district. At about 6.00 pm a prosecutor of Sabunchi district Muqaddas Mahmudov accepted two of them, Islamali Aliyev and Mursal Zeynalov. The prosecutor informed them that he received an order from the government and he was helpless to do anything about it; thus 8 elders were detained at insistence and complaint of the executive council because of the events that took place on May 7 and then were taken to the Department on struggle with organized criminality (DSOC) of the Ministry of Internal Affairs of the republic of Azerbaijan. Nevertheless, the prosecutor promised that the two of them would be released within next few hours, the rest of the elders would be released later, however another two of them would have to stay in the DSOC. The Nardaran people warned the prosecutor that he was breaking law and that the Nardaran citizens would hold protest actions against detention of the elders. The prosecutor answered that if the elders were detained in the village, then it could have caused an undesirable conflict. He didn't even try to give a sound explanation for detention of 8 elders and said good bye to the Nardaran people.

When the Nardaran citizens returned to the village, they told other people about their meeting with the prosecutor and about the fact that the prosecutor didn't bring any sound explanations for detentions of 8 Nardaran elders, although he promised that 3-4 people would be released in a few hours. Mursal Zeynalov who also attended that meeting had an impression that the government was preparing bloodshed in the village and he warned the Nardaran people about it.

Approximately at 8.00 pm hundreds of the police officers in 3-4 buses and in 7-8 cars again entered the village; they divided into two groups in the village center along Apsheronskaya street that leads to the central Imam Huseyn Square.

The headquarters of this group (consisting of 30-40 officers) settled in the administration office. Though all these actions concerned the local people, the situation stayed calm and peaceful for quite long time. About 90-100 people gathered on the square expecting that the part of the elders would be released by 9.00 pm.

At the same time, a group of the Nardaran elders came up to the officers located on the square and started negotiating with them (another part of the elders went to the administration office for negotiations). The elders asked the police to leave the village; they said: "You've been attacking our village three times a day, you arrested our elders... Don't start one more conflict here and leave us alone". A commander of the 8th police squad located in Zabrat village even offered to create a delegation from 3 elders and to send them to the city for negotiations with Maherram Aliyev (head of the Baku Chief Police Department). However, after talking on the phone with someone, he said that Maherram Aliyev was away. The commander said to one of the elders: "Blood will be shed here, take the people away from the square at any price". Another elder man also confirmed that a police officer applied to him and said: "Please help us and ask the people to leave the square". But the elder man answered: "Release our men and then the people will leave the square".

At 9.10 almost all village habitants left the square (only 30-35 people stayed there) for the evening prayer in the mosque. The elder men suggested the police officers to leave the square as well. At this moment two people in civic clothes (judging by their behavior, they were high ranked officers) got out of the car and demanded that the police captain stopped negotiating with the Nardaran people. They said: "Beat them, we've been standing their whims for too long". These two people also participated in beating the people.

The police started beating the elder men with their batons, one of the first victims was Zahid Feyzullaev. They even wanted to detain the men and to take them away in buses.

The other citizens of the village heard the screams of the elder men and came running to the square to help them. Thus, the police provoked return of the people to the square and caused one more conflict with the village citizens that have been traditionally respecting elder people. Some policemen were knocking their batons on the shields to frighten the people and pushed them away with their shields. There are also witnesses who testified that the police used asphyxiating gas.

At this moment some unknown police captain arrived at the administration office and said the following to the deputy chief of the Sabunchi Police Department: "Chief, these two KGBists are getting too nasty, blood is going to be shed now". The officers ran out of the office towards the yard.

The youth managed to make the police leave the elder men alone. Suddenly a red rocket flushed and the policemen started shooting. They were using tracer bullets, which colored the sky into red. Traces of the gun fire were seen from the roofs of the

houses located 5 kilometers away from the square.

According to the witnesses, the abovementioned two men in civic clothes were the first people who started shooting. They used the pistols. One of the witnesses heard the policemen said the name of one of them, it was Adil. He was short, red-cheeked and partly bald. Another man was a little bit taller. Later some of the participants of these events identified one of these men as colonel Agamehdi Mehdiyev, head of the department on struggle with mass disorders of the Chief Police Department of Baku city. At the moment of this report's completion, the government didn't refute or deny a publication on this issue.

Due to numerical superiority of the police officers, the unarmed citizens had to hide behind the trees and to throw stones at the policemen. There are witnesses showing that some of the policemen also responded by throwing stones, especially at the end of the conflict.

The village citizens turned upside down several police cars and buses and used them as a cover for themselves and for the injured. The cars started to fire from the gas that was leaking out of one of them. Something exploded in one of the cars, which caused panic amongst the village people and the police.

Right after the first shoots, 5-10 people fell on the ground, including A.Agayev who was shot at his head. Some of the village citizens were injured later when the police was shooting at the trees behind which the people were hiding and throwing stones.

Shooting lasted for an hour and a half. Despite the expectations of the police, the crowd didn't run away but continued to throw stones. Moreover, the number of the Nardaran people on the square was sharply increasing; the rest of the people who stayed home at that moment heard the shooting and came to the square, including most part of the youth. The elder people didn't let the women come to the square.

The same women (approximately 100-150 people) with Koran in their hands closed the road that was 200 meters away from the square and prevented the additional police forces from walking to the square. The women told those police officers to go away and fight in Karabakh instead of shooting their own people. Some of the women got very nervous and lost consciousness. A police officer came up to one of the elders, Mammedali Nabizade, and asked him to talk to the women and to let the police join their colleagues on the square, however the women never let those additional forces pass to the square.

The police officers didn't expect such stubborn resistance from the side of the citizens. At 11.00 pm they started leaving the central square for the suburbs of the village where another transportation means were waiting for them. The policemen were beating people on their way back through the suburbs and forcedly took several of them to the city.

In the result of the conflict with the police, Alihasan Agayev (born in 1949, a father of 6 children) was murdered. A photography of the body's head with a big hole in it was taken by the cameraman of the Space TV company. The Commission also has a picture of the body taken by the director of the Institute of Peace and Democracy Leila Yunus in the morning of June 4.

According to the testimonies of the village citizens, 34 of them got bullet wounds of different degree of heaviness. Seven of them had to go through serious surgery operations. Other citizens that received bullet wounds preferred to come back home right after they got first medical help. There are testimonies showing that there was at least one case when the government demanded that the doctors registered the bullet wound received in the Nardaran village as a result of domestic injury.

AN OFFICIAL VERSION OF THE NARDARAN EVENTS

In the first messages, the government stated that the conflict began from the events that occurred on May 7 when the Nardaran people demanded that Fazilat Mirzoev, a representative of the Nardaran village in Sabunchi district, resigned from his position. On this account, on June 3, 2002 four active authors and participants of this crime were arrested and special measures were taken against 3 people in accordance with the administrative legislation.

But on June 5-6 a new version appeared at suggestion of the official newspapers . According to this version, the radical opposition and even the foreign intelligence services were involved into these events and the beginning of the conflict was linked with the municipal elections of 1999. Below you will find a citation from the president's newspaper that was very typical for that period of time:

“In the opinion of several analytics, the radical opposition chose the Nardaran village as an area for trial of its destructive “technologies” to confront the government, they caused a conflict between the peaceful citizens and the forces of law and order... A village with population of several thousands of people has become a center of the interests of the Islamic Party of Azerbaijan, of “Musavat”, ADP, ALP, PCS, National Front Party, the foreign intelligence services of the neighboring countries and of the criminals hiding from law, such as Mahir Djavadov.

... Social problems are only a screen concealing true reasons of tension in the village. Some of the local people have become the victims of the opposition’s plans and actions and plus they set up their own habitants.

... Unfortunately, Nardaran has its own unwritten law and its own notion of democracy. If you remember, during the elections in the self-government bodies, held in 1999 the Nardaran people made a very peculiar statement: “We don’t need any municipality. We are able to resolve our problems by themselves”. And today it has become evident that the village is a model of the half closed society living under influence of the Islamic fundamental circles. By the way, some of the village citizens insisted that the conflict was caused by the fact that the Nardaran people were prohibited to commemorate anniversary of Homeyni’s death.

There is a quite credible version saying that all these events were guided by someone from abroad. According to this version, several local and foreign geo-politicians were interested to have a tense situation in Nardaran on the eve of the International exhibition on oil and gas.

...Destructive opposition didn’t manage to create tension or conflicts in the capital and therefore it decided to focus on Nardaran. In accordance with the law-enforcement bodies, preparations for even more serious collisions were held in the village. They stored up lots of sharp stones that were laid down at the roadside, plus armature and bottles with inflammatory mixture and someone even purchased guns”.

Later this version was elaborated more carefully; it became an official version after the joint statement of the general prosecutor and of the minister of internal affairs from August 1, 2002.

The statement said that the Nardaran events were provoked by some foreign states and by the domestic forces interested to create social-political tension in Azerbaijan. The latter included the Islamic Party of Azerbaijan; several members of this party followed their political and religious-extremist goals under cover of the social-economic demands. They didn’t want to see a democratic secular state in Azerbaijan and by establishing a Religious council, they attempted to appropriate the state bodies’ power in order to establish an Islamic state. Thus, repressions of the law-enforcement bodies are not aimed against the whole population of Nardaran, they are aimed at the members of the Religious council that were the authors of the conflict between the Nardaran people and the law forces on June 3.

As to the conflict and to the fact that the police was shooting at the crowd, from the very beginning the law enforcement bodies imposed all responsibility on the Nardaran people, saying that the village people were using guns and even murdered their own native. According to the official version, the police shot only at air.

So, already at the night of events, the representative of the Ministry of Internal Affairs informed ÒURAN that collisions had begun after local residents started throwing the bottles with inflammatory mixture at the police machines and have opened fire from the automatic weapon on them.

The policemen that participated in the night operation have explained their appearance in the village by the fact that the village people have ostensibly attacked their colleagues, having taken 10 policemen in hostages. The Nardaran people, ostensibly, demanded to release the detained local residents in exchange for freedom of employees of law enforcement bodies. The injured policemen have said to the journalists that to their arrival the village people built the barricades behind of which they threw stones and bottles with inflammable liquid, and someone from them even shot at police.

Later on, the law enforcement bodies, not using disinformation about the seized hostages and barricades anymore, continued to assert that "about 200 inhabitants of the village armed with stones, bottles with a gas mixture and cutting subjects carried out an illegal mass action with the requirement to release the detained persons and also called to disobey the authorities and roughly broke the public order.

The participants of the action continued to resist to the police officers who have arrived to the village for maintenance of public order. The participants used the stones, cutting subjects and various kinds of fire-arms, they have also thrown the police cars with the bottles of inflammable mixture.

As a result of fire that was open on the police from the fire-arms, the senior police sergeant, Metleb Melikov, received a heavy bullet wound in the area of his hip, and a village inhabitant, Alihasan Ağayâv, died".

The message from August 1 also affirmed that special examination has ostensibly counted 17 bullet holes of various caliber in the police bus seized and burnt by the Nardaran people. Although almost two months were spent to work out the final official version of the events (published on August 1), this version doesn't give the answers to several questions, some of which arise already from the text:

- a) On June 2, the judge authorized detentions of 3 people only; however, the next day 4 Nardaran people were arrested in the criminal order and 3 people - in the administrative order. Later on, all of them appeared under imprisonment, though they did not take part in the further actions. In accordance with the national legislation, it is called procedure arbitrariness.
- b) If the intelligence services of the foreign states indeed operated in the village, then why was the Ministry of National Security not involved into the investigation process and why none of the Nardaran detainees was accused under the appropriate Article of the Criminal Code?
- c) How did they find out that the village inhabitant was killed by the Nardaran people (considering that no examinations or investigations on this issue were held)? And how do they explain the gunshot wounds of tens of the other Nardaran people and absence of such wounds at the policemen (except for the one)? And etc.

There are also obviously doubtful details in the extensive official statement from August 1. For example, Shi'a (the wing of Muslim religion) are furious opponents of Vakhabits and therefore, they couldn't act under the Vakhabism slogans. The graves that have been dug out by the village inhabitants for themselves beforehand cannot be used as entrenchments, as the government asserted. It is highly unlikely that the religious extremists may get drunk. The office of the executive authority's representative located in the village was not destroyed and had no damages at all.

Majority of the government's arguments carried emotional and political character; it switched from the concrete accusations of hooliganism that occurred during the events of May 7 to condemnation of the village inhabitants' religiosity and to the vague accusations regarding spy connections. In the whole, the official version of the events has brought the society to a conclusion about primary evil intentions of the Nardaran people in their conflict with the authorities. This way the government is trying to justify usage of forces and arrests of the village people. At the same time, mentions of "the Iranian trace", of Vakhabism, of "Religious Council" and other statements of such character are supposed to neutralize negative reaction of the West.

ARRESTS

Seven Nardaran inhabitants were the first people to be detained on "The Nardaran case"; in the morning of June 3 they arrived in the Prosecutor's Office, Sabunchi district, for negotiations at the invitation of the authorities. The criminal case initiated on May 15 under the following articles: 221.2.2 CC (hooliganism), 233 (violation of public order) and 315.1 (violence against the representatives of authority) served as a reason for their detention. This case was initiated because of the mass actions held by the Nardaran people on May 7; they asked for resignation of the executive authority's representative in the village.

The detainees included Alizade Seyfullah (also known as Haji Adalat) Iskender oglu born in 1933, Fizuli Babayev Huseynaga oglu, born in 1955, Bayramov Huseynqulu, Veliyev Hikmet Mirzababa oglu, born in 1963, Zakiyev Etibar Zaki oglu, born in 1956, Rahibzade Sameddin Safgulu oglu, born in 1960, Rustamov Inayat Magerram oglu born in 1946 (who was recommended by the Nardaran people for the position of the executive authority's representative) and Hamid Yakhshibeyov Ibragim oglu, born in 1947. Later the prosecutor's office admitted that detention of these men was unauthorized, except for Ragibzade, Veliyev and Babayev whose detention was authorized by the judge on June 2. We'd like to note that 2 former candidates for the position of the municipal councilor (S.Alizade, H.Veliyev) as well as at least 5 of their close relatives were also amongst the detainees.

On June 3 the Nardaran people gathered to protest against detention of their inhabitants first in the village and later they moved to the village suburbs. During this protect action the following Nardaran inhabitants were arrested as active participants of disorders: Askerov Agahuseyn Asker oglu, born in 1974, Ahmedov Hajibaba Mammed oglu, born in 1974, Qasimov Mehman Ali oglu, born in 1972, Sadi Qasimov, Djabbarov Elkhana Hanlar oglu, born in 1978, Aliyev Rashad, Azizov Mirzaaga, the chairman of the Islamic party's branch in Salyan district and a member of this party Elshan

Agamaliyev, as well as the inhabitants of the Hajigabul district, Farhad Shihaliyev and Vusal Agamoglanov. Detention of the above mentioned people was afterwards sanctioned by the court on the basis of the criminal case initiated because of the fact of disorders (on June 3) under the Articles 220.1 (mass disorders), 233 (organization of actions leading to violation of public order) and 315.1 (resistance or violence towards the authority representatives). The others were detained in the administrative order.

When the events were over, the police blockaded the entrance into the village for more than a month (till July 6) and examined each person entering and leaving Nardaran. In order to find the participants of the events, they also checked the hospitals where the injured Nardaran inhabitants could be placed.

In the result, on June 5 one of the police posts detained an authoritative Nardaran inhabitant, Atakishiyev Hafiz Hasan oglu, born in 1949 who had a “browning” gun and some drug on him, that were, as the Nardaran people asserted, planted to him by the policemen. A criminal case was initiated on this fact and was afterwards attached to “the Nardaran case” as Atakishiyev was recognized as an active participant of the events of June 3. The authorities mentioned about criminal past of Atakishiyev, but they didn’t mention that he was condemned only once for hooliganism when he was 20 years old (33 years ago).

On June 7, the State Traffic Inspection detained Bekirov Seyfeddin Sahib oglu, born in 1984, on his way to the Nardaran village. He was also detained because of “the Nardaran case”.

On June 10, Allahverdiyev Alikram Fazil oglu (born in 1949) was detained in the hospital where he stayed because of the gunshot wound. Allahverdiyev has been disabled since childhood due to the mental disease, however it didn’t stop the authorities from accusing him of being an author of the events of June 3. Another injured Rasim Alizade, who stayed in the same hospital room with Allahverdiyev, was exposed to interrogations right in the hospital. They demanded that he testified that he was ostensibly injured by the Nardaran people and that is why Alizade preferred to run away from the hospital before he got well.

The rest of the injured, scared of repression (especially after detention of Allahverdiyev) also preferred to get treated at home and at least one of the injured men decided to leave the country due to the same reasons.

The same day, Aliyev Alikram Ismayil oglu, chairman of the Islamic Party of Azerbaijan, was detained in his daughter’s flat in Baku. He suffered from diabetes and arrived in Baku to receive medical treatment. Earlier in 1996 he was charged with betrayal of motherland, but was released on the pardon of 1999. According to the Nardaran people, Alikram Aliyev was away of the village on the day of the events and Yashar Aliyev, deputy head of the Baku Main State Police Department asked him to return to the village to prevent the victim’s funeral in the square.

On June 12 representatives of the state structures met with the Nardaran elders, in the result of which the president Heydar Aliyev “assigned the corresponding bodies of the executive authority to hold careful study of the events of June 3, to liquidate their consequences, to explore and to take measures on the problems mentioned by the Nardaran people and to stabilize the situation in the village”. However, despite this assignment, the village remained blockaded by the police and detentions of the people continued.

Thus, for instance, on June 13 the police post didn’t let Sardar Jalaloglu, the general secretary of the Azerbaijan Democratic Party, enter the village. Later on, he was detained in the city and sentenced to 5 days of the administrative detention ostensibly for insubordination to the police.

On July 27 the policemen of the Sabunchi police department kidnapped the Nardaran inhabitant, namely Movlamov Mirzaaga Agajafar oglu born in 1973. His face was hurt during the events of June 3, so he went to the Sabunchi district hospital to get first medical assistance, but then decided to continue treatment at home as he was scared of detention.

Only 24 hours later, people managed to find out that Movlamov was taken to the 12th police department of the same district.

On July 30 Vasif Aliyev, another Nardaran inhabitant, who received serious traumas during the conflict with the police on June 3, was detained in Mashtaga village where he had some business. Thanks to interference of the elders, he was released from the 12th police department of the Sabunchi district. After this incident, all Nardaran people preferred to stay inside the village to avoid getting involved into similar situations.

On September 20 a group of the police men in civic clothes detained Djebrayil Alizade, the chairman of the Union of Baku and of its Villages right near his house in the Nardaran village. According to the witnesses, during his detention the policemen threatened Alizade’s little grandson with the gun and also shot at the air.

The next day, on September 21 the police detained Alizade's relatives and neighbors when they brought a parcel for him to the insulator of the Department on struggle with the organized criminality of the Ministry of internal affairs. Two of them were released in about an hour (one of them was preliminarily beaten) and three of them – Alizade Nadir Djebrayil oglu, Alizade Novruzali Nurali oglu, Djebrayilov Farman Rahman oglu were sentenced to 10 days under the administrative order (they were released before the appointed time, on September 28).

The day when the report was finished, they also released Seyfulla Alizade, Hamid Yakhshibeyov (both of them were seriously ill) as well as Agamaliyev Elshan, Agamoglanov Vusal, Azizov Mirzaaga, Aliyev Rashad, Alizade Nadir Djebrayil oglu, Alizade Novruzali Nurali oglu, Bayramov Huseynqulu, Qasimov Sadi, Djebrayilov Farman Rahman oglu and Shihaliyev Farhad that were sentenced under the administrative order.

Presently 15 inhabitants of the village are still under imprisonment on “the Nardaran case”. The following people are still wanted by the police: Dilaver Yakhshibeyov, Mehrab Alizade and another 11 village inhabitants whose names weren't mentioned by the authorities. Without exact information about those who are wanted, many authoritative inhabitants of Nardaran have been afraid to leave the borders of the village for several months already.

Currently, all detainees are being kept either in the Bail or Shuvelan prisons, depending on the place of their residence (the investigation insulators #1 and #3 correspondingly), which are under control of the Ministry of Justice.

The main complaints of the Nardaran inhabitants who are being kept in the investigation insulators are about absence of any investigation actions and, in some cases, about necessity of medical help for the ill prisoners.

Health condition. In particular, it's been reported that Alikram Aliyev, kept in the Bail prison, is in heavy condition as he suffers from the serious type of diabetes and from eye diseases. Currently he is being treated from the II type of diabetes on an outpatient basis and from diabetic retinopathy. In opinion of the prison doctors,

there is no need to place the prisoner to the prison hospital. However, his lawyer stated about sharp worsening of Aliyev's eyesight, there are also ulcers on his legs and his general condition has also worsened. Nevertheless, he hasn't been transferred to the prison hospital, nor his preventive punishment has been changed.

In early August, 2002 Seyfulla Alizade and Hamid Yakhshibeyov were placed to the hospital of the Shuvelan prison due to the sharp worsening of their health (heart attacks). A few weeks later they were released and all charges against them were relieved. According to the prisoners' relatives, S.Bekirov has a virus hepatitis, Allahverdiyev is mentally ill, Gasimov's eye was hurt in the result of beatings and Askerov has complained about heartache however, the doctor didn't examine him. Special attention should be paid to health of those people who received gunshot wounds – M.Movlamov (neck) and A.Allahverdiyev (buttock).

Defence. It is important to note that the government suggested that all Nardaran inhabitants (that were kept in the Insulators of temporary detention at that moment) used help of free lawyers, however they refused.

At this moment only Seyfeddin Bekirov, Alikram Aliyev, Mirzaaga Movlamov and Djebrayil Alizade have lawyers. The rest of the prisoners don't have any lawyers and therefore are completely isolated from the outer world. This is mainly explained by the fact that the prisoners cannot afford to hire lawyers, but also they don't trust the lawyers in general and especially they don't trust the free lawyers appointed by the government. Besides, some of the prisoners refused from any lawyers as they don't consider themselves guilty and presence of a lawyer, in their opinion, may indirectly indicate their guilt before the law. It is not excluded that this opinion was suggested to them by the investigators.

Compliance with criteria of “a political prisoner”. The Commission studied the cases of the Nardaran prisoners in order to find out if they correspond with the objective criteria worked out by the CE experts (“Trechsel Group”) for definition of the political prisoners.

A person deprived of his or her personal liberty is to be regarded as a “political prisoner” :

- if the detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights and its Protocols (ECHR), in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association;
- if the detention has been imposed for purely political reasons without connection to any offence;
- if, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person

has been found guilty of or is suspected of;

- if, for political motives, he or she is detained in a discriminatory manner as compared to other persons;
- if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities. In the Commission's opinion, persecution of "the Elders' Council" is explained by the political motives, which violates the Article 11 of the ECHR, as to the searches in their houses, they violate the Article 8 of the ECHR. All detentions of the Nardaran people should be viewed under the Articles 3 and 5 of the ECHR. Additionally, the Article 6.2 of the ECHR has been violated regarding J.Alizade and the Article 2 of the Protocol #4 of the ECHR has been violated regarding H.Atakishiyev. Thus, arrests of the Nardaran people meet the "A" criteria.

The members of the Elders' delegation, that accidentally turned to be in the prosecutor's office of Sabunchi district in the morning of June 3, were obviously detained on the political motives without any sanctions and it wasn't somehow connected with the events of May 7, including detention of E.Zakiyev and I.Rustamov. The same happened to the people that were detained in the suburbs of the Nardaran, in particular A.Askerov, G.Ahmedov, M.Qasimov and E.Djabbarov. There are testimonies showing that A.Aliyev has nothing to do with the events of June 3 as he was away of the village on that day. The cases of all these people meet the "B" criteria.

As to the mentally ill A.Allahverdiyev, his detention and imprisonment looked like obvious discrimination on the political motives, because his disease was simply ignored by the investigation. This case meets the "D" criteria.

Infringement of the imprisonment terms in the Department on struggle with the organized criminality and in the Main State Police Department are not typical for the political cases only and in this sense, they cannot be considered discriminating. However, it is a fact that some arrests were evidently held in a very unfair manner connected with the political atmosphere around the "Nardaran case". For example, kidnapping of the suspected A.Allahverdiyev, M.Movlamov, J.Alizade, as well as planting of the weapon and of drugs to the religious person H.Atakishiyev. These cases meet the "E" criteria.

According to the "Amnesty International", existence of the significant political component in the detainee's case is an important criterion for definition of a political prisoner. This political component gets obvious if you compare the accusations that were pronounced against the Nardaran people in the official press (meant for the foreign auditorium) with the official accusations advanced against them. The official press talked about vakhabism, Iran's agents, denial of the secular municipality and wish to establish a Shariat (Muslim) government in the village, murder of their own inhabitants, storage of weapon and etc, while the official accusations listed mass disorders, violation of order and resistance to the police. Thus, each of the 15 Nardaran prisoners meets the international criteria and is regarded as a political prisoner.

INDIRECT CONSEQUENCES OF THE EVENTS

The examinations held by the Commission's medical experts in Nardaran from August 28 till September 9, 2002 have brought to a conclusion that the events of the June 3 and the following monthly blockade of the village have led to the negative indirect consequences.

Pregnancy pathology. Three Nardaran women were examined by the Commission; one of them gave birth to a dead child on June 5, another woman gave birth to a child on June 10 but he died 5 days later and the third woman had premature birth on June 24 and this child also died in a few days. All three women were young (19-22), pregnant for the first time and no deviations had been noticed before those events.

The Commission did not examine another two women with the same problems as they were away of the village (or they simply didn't wish to cooperate with the Commission)

Premature deaths. At least two cases of deaths may be regarded as premature. Thus, Gulieva Kubra Agaragim gizi, 72 years old, died from the heart attack on June 4, although she never had problems with heart before. Aliyeva Tukazban Alihuseyn qizi, 66 years old, died from the high level of sugar in her blood (diabetes) on June 16, a few days after she experienced heavy stress at the funeral of the murdered A.Agayev who was her nephew.

Besides, the Commission's expert examined 43 children and teenagers at the age of 8-14; fifteen of them were on the square or in the neighboring streets during the events and the rest stayed in the village and experienced heavy stress. All of them had signs of various degree of anxiety as well as of serious irritability. Many of them have now the symptoms of depression, in particular:

- 8 children have become aggressive, their aggression is aimed against the weaker children

- 7 children have speech problems (stuttering, silence and etc)
- 6 children are afraid of darkness and don't go out of the house, even for a bathroom which is usually located outside in the villages.
- 5 children have lost weight due to sharp disappearance of appetite
- 5 children couldn't feel their hands and legs at the moment of the events, two of them feel the same when they get irritated.
- 4 children start to cry at any irritation
- 2 children now suffer from various ticks, another 2 suffer from convulsions and from epileptic spasms.

The expert compared these children's condition with condition of the refugees' children and described it as posttraumatic stress that may lead to chronic diseases.

EXAMINATION OF THE PLACE OF EVENTS

The Commission examined the place where the Nardaran events occurred (see the attached plan), including the neighboring houses, walls, trees, columns and burnt police cars. The main goal of the examination was to find out the kind of weapon that was used and direction of shootings; whether they were dangerous for lives and health of the people or not; if the police cars were shot or not and how they were burnt; if the administrative office was destroyed and if there were any entrenchments on the square.

The particular conclusions can be made on the basis of the gathered materials, which denies the abovementioned official version.

a) The shots were fired from the traffic area of the Apsheronskaya Street, located between the hairdresser's and baker's. Currently this area is taken by the burnt cars. The shots were fired from that place and signs of the shots were discovered in the sector beginning from the hairdresser's and finishing with the drugstore and the closed grocery shop. According to the testimonies of the witnesses, a group of the policemen that used weapon was situated in this place. Lots of the bullet shells were found after the events here. The Commission also explored the walls and the fences in front of which the police squad was located, however no signs of bullets that could have been fired by the crowd were found on them.

b) "Shots at the air"

The local inhabitants, journalists and human rights advocates gathered enormous number of the bullet shells and of the lost ammunition at the place of shootings. Even two months later the Commission discovered several bullets shells of Kalashnikov gun (5,45 mm caliber) on the place where the burnt cars were placed.

The shells and cartridges demonstrated by the Commission were not blank.

Taking into account all these aspects, it gets obvious that the aimed fire over the crowd of the Nardaran people within almost an hour and a half, even in conditions of low visibility, would have brought to more number of victims than it was stated by the government.

The Commission discovered bullet holes in two gas pipelines fixed at a great height, also in the lamppost as well as a spent bullet (5,45 mm caliber) that fell on the ground and didn't collide with any obstacle.

At the same time, the Commission also found marks or holes from bullets on the trees and on the column at the height from 80cm to 2,5 meters; these bullets were fired in the direction dangerous for lives and health of people. Two bullets were discovered by the Commission on the walls of the administration's office that go out to the square and on the walls of the drugstore located 30-60 meters away from the place of the supposed shootings. The bullets were found at height of 3,5 and 5 meters.

It is hard to establish if the shots were aimed at the crowd or fired blindly. However, in any case, the police fired shots not only at air, as it was asserted in the official statement from August 1 and it was established that those shots were fired in direction dangerous for people. Some of the witnesses who met with the Commission stated that they saw the shooters very well and could recognize them if needed.

In the result, as the Nardaran people say, there were gunshot wounds at tens of the local inhabitants, the village elders know

the names of these people. However, only 5 injured persons dared to cooperate with the Commission, one of them, in the expert's opinion, was presumably injured by the piece of the explosive assembly.

c)Episode on death of AliHasan Agayev

Due to the fact that Agayev's body was unavailable for the Commission's experts and there were no medical documents listing reasons of his death, the Commission wasn't able to come to any conclusion about reasons that brought to his death. However, a doctor of ambulance who saw A.Agayev at night of the events, as well as the witnesses confirmed that there was a bullet wound in his head. It is also clearly seen on the colored picture of A.Agayev that was taken before his burial.

A sign of bullet, that ricocheted from a metal indicator showing the way to the Pir (Muslim sanctuary) was found on the lamppost at the height of about 2,2 meters near the place where A.Agayev's body fell down (this place is marked by the wreath of flowers). One of the witnesses mentioned that he was taken aback because of the sound of the bullet that ricocheted from that lamppost over his head. Several bullets fired in the same direction at about the same height were found in the trees by the investigators and the Commission was unable to examine them.

This fact lets the Commission assume that the investigation (that possesses the bullet samples) knows exactly the names of at least several policemen who fired in that direction, and who are the possible suspected of Agayev's murder. However, even before the official investigation started, the investigation bodies stated that some unknown person from the crowd of the Nardaran people murdered Agayev. Exhumation of A.Agayev's body, if the bullet that murdered him is still in the skull, could enable the Commission to name his murderer.

d) Used weapon

The press gave very different data on the weapon used in Nardaran. However, the bullets, shells and ammunition lost by the police and examined by the Commission have a caliber of 5,45mm. The bullet holes in the metal objects have the same size, their inlets are a little bit less than 6mm. Judging by the destructive power, these holes could not be made by the small-bore weapon with the caliber of 5,6 mm.

Several bullets were found in the tress by the investigation group and could not be examined by the Commission.

First there was a version that the police used "rubber bullets"; this version was based on the testimonies of several witnesses from Nardaran. Nevertheless, such bullets were found neither by the population nor by the members of the Commission.

The Commission found the shells and bullets of at least 54 cartridges with the caliber of 7,62mm that exploded from high temperature during the fire in the trunk of one of the cars. This explained the episode of explosion inside of the burning cars.

At the same time, it is still unknown if the guns of such caliber (presumably "TT" guns) belonged to the police group that fired in Nardaran or, as the Nardaran people assumed, the cartridges were brought here by the police to be planted into the citizens' houses during searches. The statement of Nadir Alizade, according to whom the investigation tried to make him sign false testimonies saying that his father owned a "TT" gun, confirmed the latter.

The Commission's experts didn't have a chance to examine a policeman who was ostensibly injured from the gunshot during the events – the medical expert's request to the Ministry of the internal affairs remained without any answer.

e) Supposed fire over the police cars

The Commission examined a "Hyundai" police bus which, according to the statement from August 1, ostensibly contained "17 bullet holes of various caliber". The Commission found no bullet holes in the bus. There were no bullet holes in another burnt "IVECO" police bus either.

The only bullet hole found by the Commission in the police car was made by the bullet fired out of the machine gun (5,45 mm caliber) almost horizontally from the belt level, from the rear side of the car. The bullet made a hole in the truck, broke through the three metal surfaces and got into the passenger compartment. Considering that the Commission is not aware of the car's location at the moment of shooting, it is impossible to establish from where the bullet was fired. However, according to the Nardaran people, they used the police cars to protect themselves from the shots of the police. All other holes in the cars were made either by armature or by the stones, or carried technological character.

f) Burnt cars

The Commission discovered 9 burnt cars and 2 buses at the place of events. Two months after events it was impossible to define if the cars were burnt by the bottles with the inflammable mixture (as the authorities asserted) or the fire was caused by gas that spilt when the cars were turned upside down and fired from the trace bullets, as it was stated by some of the Nardaran inhabitants. The Commission didn't find any broken bottle glass in the compartments of the cars, buses or around them nor any bullet holes around the gasoline tanks.

However, it is obvious that two cars, which were burning separately near the administration office, could not catch fire from each other. Besides, it was established that at the very beginning of disorders, the submachine gunners shot the lamppost that was lighting up the square; this fact also confirmed the version that they set the cars on fire and used them both as the barrier from the police and as the only source of light.

g) Administration office

The Commission established that in contrary to the official statement, the administration building (inside of which the offices of the executive authority's representatives and of the police inspector are located) was neither destroyed nor damaged from inside or outside.

h) Graves on the square

The Commission found out 24 graves from the right side of the square that were built of the stone in accordance with the Muslim traditions. Neither their depth (60cm) nor their location or shape could let the people use them as defense entrenchments, as it was officially stated on August 1. Trees, constructions and lots of soil dug out of the graves, would hamper the shots supposedly fired from such "entrenchments".

PROTEST ACTIONS OF THE NARDARAN PEOPLE

At the first stage of the conflict with the authorities (before June 3), the Nardaran people were expressing their social problems. Part of these problems has been resolved. However, male inhabitants are still afraid to leave the village due to the threat of detention, which has brought to problems with agricultural business. Fishing, which is a traditional source of earnings for the Nardaran people, has also been prohibited. After June 3, because of the emotional stress the Nardaran people demanded to hold a meeting with the President and with the high ranked officials. They didn't manage to meet with the president, as to the episodic meetings with the representatives of authority (since June 8), they helped to resolve only one question of the local executive authority – the Nardaran people agreed to replace Fazilat Mirzoev to another, compromise figure – Yashar Orujov who is also a Nardaran habitant. We'd like to remind that Inayat Rustamov, whose candidacy for this position was suggested by the village habitants, is still under imprisonment.

Presently the Nardaran people have the following block of demands:

- to liberate the detained village inhabitants,
- to stop new detentions,
- to bring to responsibility those who shot at the Nardaran people,
- to provide the victims with financial compensation,
- to establish an independent commission to investigate the events,
- to resolve the social problems.

To achieve these goals, the Nardaran people chose exclusively peaceful and only mass actions of protest. The Nardaran people believe that only collective protests and total solidarity of the village habitants will prevent repression and will give more significance to the protest actions.

The main action of the protest that began at night of June 4 was **a continuous protest rally** held in the square against the office of the executive authority. The square equipped by the plastic cover in September is located next to the place where the events of June 3 occurred. Twenty-four graves have been dug next to the square for those, who may die in the result of the new attack from the side of the police, as the Nardaran people fear.

Not less than 30-40 people are on regular duty in the square that plays a role of the protesters' club. "The men on duty" regularly contact with press and social organizations by means of the mobile phones. The men stay on duty at night as well; in

addition, the groups of young people go out in the streets at night and watch after all entrances into the village in order to warn people on time if the police comes back. The Nardaran people said that they should have organized such pickets since September, then they could prevent kidnapping of the village elder, namely Djebrayil Alizade, on September 20. We'd like to note that on September 10 the Nardaran people detained a car with three men in civic clothes in it. The men introduced themselves as palmers, however they never went to a mosque near which they parked their car four times during that day, as the witnesses showed. In the end, the men turned to be the police officers; a set of the false car numbers was found in their car. After being identified, these men were showed on TV and then transferred to the police department of Sabunchi district. At the moment of this report's completion, the authorities gave no explanation to this incident.

The local inhabitants also hold more populous **general rallies** on the central square of Imam Huseyn on regular basis. Each of these rallies is usually devoted to a particular topic; for example, a rally of women or a rally of schoolchildren, or it can be devoted to some urgent event, for instance, to the next detention or to another propaganda statement of the authorities. As a rule, a resolution is composed at the beginning of the rally and later they distribute it through mass media. The usual slogan of such rallies is "We need water, light, gas and work". They also hold **press-conferences** for mass media in the same square (and now in the tent) dedicated to a particular topic, for instance, to detention or liberation of one or another activist.

During the first few days, the Nardaran people built **a barricade** of the police cars and buses (that were burnt on June 3) to prevent the police from entering the square. Later on, the burnt cars were placed along the road and the entrance to the square was opened. In June the authorities made insistent attempts to take away all cars and buses, however, the Nardaran people didn't let them do that, as they were reasonably afraid that the authorities could have falsified the evidence.

Now these cars are demonstrated to the foreigners and journalists by the Nardaran people as a proof of the police despotism.

A boycott of voting on referendum, August 24, repeated the protest action that was held during municipal elections of 1999. The Nardaran people didn't prevent the voters from going to the polling stations, no one tore down the agitation posters nor hung their own posters. The opposition observers attended the polling stations.

Only 153 voters (only 15 of them were Nardaran inhabitants) voted in the two polling stations # 13 and #14 of the Sabunchi-Azizbekov district #17 out of 2893 village people who had a right to vote. The rest 138 people were serving their sentence and were sent to a neighboring stone-pit for compulsory labor. On some unknown reasons these 138 people asked to let them vote on the additional lists in Nardaran.

Failure of school lessons on September 1 happened after the schoolchildren held their rally under slogans: "Children are our future, please pity them!" and "Release the parents!", August 31.

The schoolchildren also stated that their parents couldn't afford to get the school books and school uniform for them and demanded to resolve this social problem.

Despite the fact that 10 days later 1070 schoolchildren returned to their lessons, there is a constant threat of a new boycott.

The statements of the Nardaran people towards the international organizations have become more frequent and insistent as the means of human rights protection on the national level have exhausted. The Nardaran people and the human rights organizations representing their interests have met with the representatives of the Council of Europe (including the higher commissar on human rights A.Gil-Robles), they have also sent the materials to the embassies, to the OSCE, the UN, to U.S. Department of State and U.S. President.

REACTION OF THE INTERNATIONAL ORGANIZATIONS

It is important to mark that despite the government's propaganda, the international organizations, especially the non-governmental ones, have expressed their attitude to the events in Nardaran. Thus, on June 6 the World organization against tortures (OMCT) held an urgent action demanding to conduct an unbiased investigation, to release the detainees if no grounded accusations were advanced against them and to stop persecuting the participants of the events. Within the next 4 months the OMCT has renewed its statement five times.

On June 7 the international organization Observatoire expressed similar demands and marked its "deep concern about excessive use of forces by the authorities".

On June 6 the international human rights organization Human Rights Watch sent a letter of protest to the president H.Aliyev. Human Rights Watch urged the head of Azerbaijan to abstain from using non-adequate forces in response to any illegal

operations occurring during the protest actions of the population. The executive director of the HRW department in Europe and Asia, Elizabeth Andersen said the following: “The authorities of Azerbaijan have been practicing arrests, beatings and show trials as reaction towards the social protests of population. However, shooting at the protesters is something new... The government of the president Aliyev should learn to react constructively to the peaceful protests. Considering the way the elections are usually held in Azerbaijan, the peaceful protests are the only thing left for the citizens of the country”.

“Amnesty International” devoted more than a half of the chapter on Azerbaijan to the various aspects of the Nardaran events in its semi-annual report for January-June 2002. As to the intergovernmental organizations, the OSCE was the first organization that expressed its reaction. On June 4, next day after the Nardaran events, the OSCE in cooperation with the Institute of Peace and Democracy sent a mission to Nardaran to establish all facts. The mission’s report gave the initial description of the events and listed demands of the protesters. Unfortunately, this initiative was not continued.

The Council of Europe is also watching the situation in Nardaran, although a special rapporteur on Azerbaijan, Andreas Gross didn’t visit settlement as that had been supposed. However, on July 18 and 20 he has meet representatives of National Committee on protection of rights of victims of violence of officials, who submitted him their report on Nardaran. As result, the PACE resolution that was adopted on September 26 contains an opinion on Nardaran.

Thus, the Assembly deplores the cases of overreaction leading to undue use of weapons by police forces against civilians that were reported lately. The Assembly is very concerned about the government’s response to public protests related to social issues. It strongly calls for the police forces to react in an adequate and proportionate manner when civilians and citizens are involved in police intervention and appeal to the authorities to address and remedy the causes of the social unrest.

Besides, the PACE “regrets the absence of progress in the development of local self-government in Azerbaijan”, “it calls for effective arrangements to protect freedom of expression, of association and of peaceful assembly, necessary for a sound development of democratic society in Azerbaijan”.

One more time the Assembly called the authorities of Azerbaijan to fulfill its obligations on the political prisoners and noted that “particularly in the case of ill detainees, liberation for humanitarian reasons should be envisaged and that it is necessary”to avoid new arrests on the political motives”.

“The Assembly reminds that internal stability should be ensured in a democratic state-member of the Council of Europe through the constructive dialogue with all political forces of the country and any social or political dissatisfaction of population should be resolved without new arrests of the political prisoners”.

LEGAL ASSESSMENT OF VIOLATION OF CITIZENS’ RIGHTS

The Commission analyzed the actions of the law-enforcement agencies in the Nardaran village to find out if they met the requirements of the national and international legislation. The analysis showed that those actions were illegal and many essential human rights were violated, including the right for life, for freedom, for personal immunity and others.

On the level of national legislation: the Constitution’s regulations were roughly broken, including the Law on police, the Law on criminal investigation, the Law on status of the internal forces, the Law on the non-governmental organizations (public unions and foundations), the Law on render of psychiatric help of the Criminal Code, of the Criminal-Procedure Code and of the Code on administrative violations.

On the level of international legislation: they broke the regulations of the General Declaration on human rights, of the International pact on civic and political rights (IPCPR), of the European Convention on protection of human rights and of main freedoms (ECPHR), of the European Convention on prevention of tortures and of inhumane or humiliating means of treatment or punishment (ECPT), of the UN Convention against tortures and against other cruel, inhumane and humiliating means of treatment and of punishment (UNCAT).

In particular, the Commission established the following violations of legislation and of human rights in the following episodes of the “Nardaran case”:

1. Prevention of the municipal elections in December 1999.

In accordance with the Article 56 of the Constitution, “I. Citizens of the Azerbaijan Republic shall have the right to elect and be elected to the government bodies, and to participate in referendums. II. Persons whose incapacity has been determined by the court shall not have the right to participate in the elections as well as in the referendum. III. Professional military persons,

judges, government officials, persons sentenced to imprisonment according to court's decision brought into effect, religious people and other people mentioned in the present Constitution and Laws shall be limited in their right participate in elections.” The executive authorities didn’t allow the Nardaran candidates (that didn’t belong to the above mentioned categories) to participate in the municipal elections, which is considered a criminal act that should be punished under the Article 134 of the Criminal Code, old edition (article 159 of the new Criminal Code). The authorities’ actions also violated the article 25 of the IPCPR and the article 3 of the Protocol#1, ECPHR. Though Azerbaijan hadn’t ratified the ECPHR at the moment of the events, absence of the freely elected municipality could be regarded as a continuous violation of this article.

2. Persecution of the “Elders’ Council”

The Article 58 of the Constitution guarantees a right to unification: “I. Every person shall have the right to unite with others. II. Every Person shall have the right to set up any organization, as well as a political party, trade union and any other public amalgamations, or to enter an already existing union. Independent performing of all unions shall be guaranteed. III. No one can be enforced to enter a union or to remain its member. IV. The activity of unions which pursue the aim of overthrowing the legitimate State power in the whole territory of the Azerbaijan Republic or in any part of it shall be banned. The occupation of unions which violate the Constitution and laws can be stopped solely in the order specified by court”.

According to the article 2.1 of the Law on the NGOs “a public association is a freewill, self-governed, non-profit and non-governmental organization, established at the initiative of several physical and (or) judicial persons on the basis of the common interests to achieve the goals defined in its mandate“. This definition doesn’t relate to the political parties, professional unions, religious unions, bodies of local self-government and other non-governmental organizations regulated by other laws.

The statement made by the Ministry of Internal Affairs and the Prosecutor’s office on August 1 practically outlawed the “Elders’ Council” established in February, 2002 at the suggestion of the city authorities to hold negotiations on resolution of the social-economic problems. As the members of the Council stated, the main responsibility of the Council was to represent the village people at the negotiations with the authorities and to protect the Nardaran people’s rights. Thus, at least on the level of the proclaimed tasks, “the Council” can not be regarded as a parallel power or religious structure, it is an unregistered public unification (initiative group) with the conflictological and human rights functions.

We would like to note that according to the article 5 of the Law on NGO, public unifications may be established on regular basis or for achievement of concrete goals (in case of Nardaran – for resolution of the social-economic problems). According to the article 28 of the Law on NGOs “rights of non-governmental organizations are protected by all state bodies”.

Even taking into account the authorities’ arguments, the Council’s activity may be stopped in the order specified by the court only and cannot be stopped by the criminal repression against its members, when a principle of collective responsibility is used. All other actions are considered as violation of the right for unification protected by the article 22 of the IPCPR and the article 11 of the ECHRP.

3. Conduction of searches in the village in the afternoon of June 3

According to the article 33 of the Constitution, “1. Every person shall have the right to the Residence Inviolability. 2. With the exception of cases specified by Law or Court no one shall be authorized to enter the Apartment against the will of the Resident”.

According to the 1 article, point 1 of the Law on the criminal investigation activity, the criminal investigation measures may have the following tasks:

- to prevent crimes,
- to disclose the committed crime,
- to identify the people that organized and committed a crime,
- to search for the people hiding from the court and from the investigation or search for the missing people,
- to identify unknown bodies.

Actions of the police during the searches also violated the articles 24 and 25 of the Law on Police of the Republic of Azerbaijan that guarantees the residence inviolability. According to the article 242 of the Criminal Procedure Code, a search in someone’s residence may be held only when there are reasons to suspect presence of evidence in there (articles, documents, bodies of the wanted people). An investigator may enter the residence place only on the basis of the court’s decision (article

243). Indeed, there is a nuance when an investigator may hold a search even without the court's decision, but only if he has reliable information that:

- the evidence (articles or documents confirming the crime) is hidden in the residence place,
- a criminal is using premises as cover,
- there is a body (or part of the body) in there,
- there is a real danger for someone's life or health.

Not less than 2 witnesses should attend the search. Before the search starts, a person ,with respect to whom the search or seizure is held, should get acquainted with the court's decision and the protocol should be composed in the end. The searches in the houses of the Nardaran people detained in the morning of June 3 were held in a different way. More than half of them were detained in the administrative order; they weren't charged with any crimes, which meant that there was no need for the criminal investigation actions.

As to another three detainees (charged with criminal actions), they were accused of being the authors of mass disorders on May 7 and it is still unknown on what grounds the searches for the weapon were held in their houses. Besides, the criminal investigation measures were also taken against Mehrab Alizade, though he was neither arrested nor charged with any crime. No documents on the court's decision were submitted before the searches and no protocols were composed in the end.

Thus, the police violated the article 4 of the Law on the criminal investigation activity that guarantees human rights and civic freedoms. The actions of the police fell under the article 8 of the Law on criminal investigation activity (exceeding of commissions by the officers of the criminal investigation department). Actions of the officers that held illegal searches fell under the article 157 of the Criminal Code (violation of the residence inviolability). Actions of the police also violated the article 17 of the IPCRP and the article 8 of the ECHRP.

4. Usage of physical force, special defence means and weapon by the police that led to physical injures of the village inhabitants and to murder of A.Agayev

According to article 27 of the Constitution: "I. Everyone shall have the right to Live. II. Every citizen 's right to Live shall be inviolable with the exception of cases when as a result of the armed attack an enemy soldier is killed.... IV. Use of weapon against a human being shall be authorized in specified by Law cases of required defense, urgency, capture and detention of a criminal, prevention of a convict's escape from places of confinement, prevention of a revolt or a coup against the State..."

The article 46 of the Constitution guarantees: "II... Nothing can justify humiliation of personal dignity. III. Nobody can be tortured or tormented, nobody shall suffer from a treatment or punishment humiliating human dignity."

The European Court on human rights has defined that "causation of heavy physical or mental suffering is considered as inhumane treatment or punishment. Bad treatment aimed at causation of fear, depression and inferiority at victims in order to insult, humiliate or break their physical and moral resistance is considered as treatment or punishment that humiliates human dignity".

Similarly to the article 27, point 1 of the Law on Police, usage of physical force, special defence means and weapon by the police officers is allowed in cases strictly specified by the Law only, such as necessity to defend (if other means didn't give required results); heaviness of the crime or personality of those who committed this crime; as well as in case of necessity to repulse an armed attack or to stifle an armed rebellion. Even so, a verbal warning or precautionary fire at the air is essential (with the exception of sudden attacks or attacks with usage of fire-arms). The same condition is mentioned in the article 19 of the Law on status of the internal forces.

None of the above mentioned cases meet the circumstances under which the weapon was used by the police in the Nardaran village on June 3. Special defence means (shields and batons) were used against the unarmed elder civilians whose guilt, at the worst, was violation of the administration order, which is usually punished by a few days of administrative detention or by fine.

The firearms were used against unarmed young people after several minutes of their fight with the policemen. The number of the attackers (not more than 100 men) was no more than the number of the policemen armed with special means of defence. In other words, usage of force by the policemen was not justified as there was no sudden or armed attack on them, nor any real threat for their lives.

In addition, there are no testimonies confirming that the police warned the people about its intention to use fire-arms. But

there are tens of testimonies showing that several people received gunshots after the very first shots fired without any warning.

Besides, according to the article 27 point 5, the police is obliged to provide the victims with medical help; however, according to the testimonies gathered by the Commission, the police hampered evacuation of the injured. Later on, the injured people had to leave the state hospitals because of the actions of the police. According to the points 7 and 8 of the article 27, the policemen that used physical force, special defence means and weapon, should immediately submit a report about it and inform a Prosecutor's office about their actions within 24 hours.

At the same time, it is clear from the official statements made during the first hours of the events, that the police officers misinformed the investigation bodies about the circumstances of the events of June 3.

Considering ungrounded usage of weapon, the actions of the police fall under the article 120.2 (premeditated murder in grave circumstances), article 123 (premeditated murder with exceeding limits of necessary self-defense or exceeding measures required to detain a person who committed a crime), articles 126-130 (intentional causation of injuries). The regulations of the article 2,3 of the ECHRP, article 6,7 of the IPCRHR, ECAT, ECPT were also violated.

5. Arrests of the village habitants

According to the article 28 of the Constitution: "I. Everybody shall have the right to Freedom. II. The right to Freedom shall only be limited by detention, arrest or imprisonment via procedures stipulated by Law." According to the article 63: "I. Every Person shall have the right to the Presumption. Every Person who is charged with crime shall be considered innocent until he/she is pleaded guilty in order specified by Law, and a verdict passed by the court has come effect. II. In case there are grounded suspicions concerning a Person's guilt, it shall not be permitted to bring in a verdict of guilty with respect to the Person. III. A Person who is charged with crime shall not be obliged to his/her innocence. IV. Evidence obtained via violating Law cannot be used when exercising justice. No one can be found guilty of committing a crime without the verdict passed by the court".

In this connection, detentions of the eight elders, most part of whom turned out to be in the Prosecutor's office of Sabunchi district in the morning of June 3 by accident, are considered as arbitrariness. In particular, the authorities' statement from August 1, 2002 admitted that the judge authorized detentions of only three people at the moment of detentions. Four of the elders were detained under the administrative order, later on they were charged under criminal order, which means that their administrative arrest was ungrounded. The Commission has similar doubts concerning three Nardaran men that were detained under the administrative order on September 21 at the moment when they visited the Department on struggle with organized criminality to transfer food to the detained Djebrayil Alizade. The detainees never received a document on the court's decision with the list of the administrative articles that were ostensibly violated by them.

One of the detainees, N.Alizade was at the same time forced to give testimonies against his father, which was violation of the article 66 of the Constitution and of the article 20 of the Criminal Procedure Code. The Nardaran habitants (later charged under criminal order) accidentally detained by the policemen that were leaving the village at night of June 3, were also detained on the ungrounded reasons. These actions the police violated the article 21 of the Law on police. This article says that without the judge's decision, the police is allowed to limit a civilian's freedom only in case if this civilian has been detained during the crime or right after it, or if the victims accused him/her, or if the civilian, his clothes, articles or residence have the signs of the crime.

Detention of Alikram Allahverdiyev (mentally ill person since childhood) on June 10 was a violation of the 21st article of the Criminal Code: "a person in condition of insanity at the moment of committing a crime is not to be brought to the criminal responsibility...". Besides, in correspondence with the article 6 of the Law on police, mentally ill people have a right "to be treated humanly; to receive free psychiatric assistance in the state medical institutions in conditions that meet the sanitary-hygienic demands;...to stay in the psychiatric hospital for the period necessary for examination and treatment;... to receive all possible kinds of treatment on the basis of the medical recommendations" and etc.

There are certain doubts about true character of the accusations against Hafiz Atakishiyev who was detained on June 5 when he was leaving the village. A "Browning" gun and some drug (that were planted to him by the police, as the Nardaran people asserted) were found in Atakishiyev's car in absence of any witnesses and in absence of Atakishiyev himself.

Despite the fact that all four men have lawyers, even several months after detention, no one knows the concrete reasons for detention of other Nardaran people after events of June 3, such as Seyfeddin Bekirov, Mirzaga Movlamov, chairman of the

Islamic Party of Azerbaijan Alikram Aliyev, chairman of the Union of Baku and Villages Djebrayil Alizade. There are serious reasons to assume that for instance, A.Aliyev was away of the village on the day of events.

Thus, the article 157.1 of the Criminal Procedure Code has been violated: “A person cannot be arrested or imprisoned if his/her guilt is not proved in the order specified by Law in accordance with the law on presumption of innocence”. In this case a crime mentioned in the article 145.2 of the Criminal Code was committed (illegal deprivation of liberty in heavy circumstances).

It is also important to note that according to the article 148.4, 157.3 of the Criminal Procedure Code, a detention institution may keep a person under imprisonment for up to 48 hours till the judge issues a sanction for arrest and then, in case of the decision to arrest a person, he should be transferred to the investigation isolator within 24 hours. The terms of imprisonment in the Isolators of temporary detention (ITD) of the Baku Main Police Department (so called “Gorotdel”) and in the Main Department on struggle with organized criminality (so called “Bandotdel”) were violated in respect of all detainees without exception. Thus, for example, Seyfulla Alizade, who was released on 23 of August, spent 19 days in the “Gorotdel”, Mehman Gasimov spent 20 days there, AgaHuseyn Askerov – about 20 days, Hafiz Atakishiyev – even 56 days and Djebrayil Alizade was kept for 11 fays in the “Bandotdel”.

In accordance with the article 159 of the Criminal Procedure Code, the court may prolong the term of imprisonment in the course of the pre-trial process in connection with complicated character of the case. The imprisonment term may be prolonged for the second time in connection with exceptional complexity of the case. Extension of the prison term may be justified by the court’s decision on the basis of the motivated petition from the Prosecutor’s office. In early October, 2002, the imprisonment terms of those who were detained in June, were prolonged for the second (last) time. Thus, “the Nardaran case” has been recognized as an exceptionally complicated case. However, despite this fact, most of the detainees have been interrogated only 2-3 times and no investigation works have been held since August at all.

In this issue the police and the investigation bodies violated the article 5 of the IPCRP and the article 5 of the ECHRP.

6. Treatment of the detainees.

The Commission has found out that the detention institution (Ministry of internal affairs) attempted to expose the detained Nardaran people to intensive pressure before they were transferred to the investigation insulator (functioning under jurisdiction of the Ministry of Justice). Methods of psychological and physical pressure have often been applied in absence of the detainees’ lawyers.. The actions of the police bodies violated the article 5, part III of the Law on police.

For example, Seyfulla Alizade who was kept in complete isolation in the “Gorotdel” and released on August 23, was told by the investigators that all Nardaran citizens, including his son, were murdered for their resistance and that Alizade, as an elder, was guilty of that. In the result, S.Alizade got a heart attack and was placed in the prison hospital.

At the press conference held on August 23, Aydin Nazarli, the lawyer of the detained J.Alizade, stated that physical pressure was applied against his client by the officers of the department on struggle with the organized criminality – he was beaten on the way to the department, his ribs and inside organs were supposedly hurt. At the moment of the report’s completion, the investigation bodies hadn’t submitted a medical conclusion about J.Alizade’s condition to his lawyer.

A week later, Nadir Alizade, released from imprisonment, made a statement at the press-conference. According to him, he was detained and beaten by the officers of the department on struggle with the organized criminality, he was demanded to sign a paper with testimonies against the elders of the Nardaran village. He also informed that he was forced to sign a paper on cooperation with the officer of the above mentioned department under the pseudonym “Ali”. Nadir Alizade publicly stated about his refusal from all his signatures that he was forced to put in the documents in the course of his arrest.

In the result of beatings, Mehman Gasimov’s eye was hurt. As to imprisonment of the mentally ill A.Alahverdiev, it can be considered equal to tortures.

The illegal actions of the investigation can be qualified under the article 133 (torture), 293 (compulsory testifying), 294 (falsification of proofs) of the Criminal Code. According to the article 124.1.1. of the Criminal Procedure Code, proofs received by one of the above mentioned means can not be used in the court. Tortures applied against the detained Nardaran inhabitants also violated the article 46 of the Constitution as well as the article 7,10 of the IPCRP, UNCAT, the article 3 of the ECHRP and ECPT.

7. Search for the members of “The Elders’ Council”

The joint statement about initiation of the criminal cases and about search for the 14 Nardaran inhabitants (the names of only three of them were mentioned in that statement) should also be considered unfounded. In accordance with the article 278 of the Criminal Procedure Code, a search should be held only if location of the accused person is unknown or in case if the accused person hides from the bodies of the criminal investigation.

Those three men, whose names were mentioned in the statement, never hid from someone and could be easily questioned by the investigator right at the place of their residence, in the village. However, the police preferred to kidnap one of them, namely Djebrayil Alizade, which made the village inhabitants unwilling to cooperate with the investigation.

Besides, each inhabitant of the village has turned out to be under suspicion as not only the members of the “Elders’ Council” but also other inhabitants at the age of 17 and older were arrested in June-September.

Such actions violated the article 63 of the Constitution that guarantees presumption of innocence to the civilians as well as the corresponding articles 14.2 IPCRP and the article 6.2 of the ECHRP.

8. Blocking of the village

In accordance with the article 28 of the Constitution: “III. Legally anybody in the territory of the Azerbaijan Republic shall be able to freely move and choose place of domicile for himself/herself and to travel outside Azerbaijan”.

Blocking of the Nardaran village by the police from June 3 to July 7, 2002, which was not related to any state of emergency, nor to conduction of any investigation measures in the village, is considered discrimination of the freedom to move. At the same time, the official press explained blocking of the village by danger of the Islamic extremism. In this view, the regulations of the article 5 of the Law on police were violated (activity of the police regarding rights and freedoms of a citizen).

Blocking of Nardaran also violated the regulations of the article 2, Protocol #4 to the ECHRP and article 12 of the IPCRP.

CONCLUSIONS AND RECOMMENDATIONS

On the basis of the objective information gathered by the Commission, the following **conclusions** on the Nardaran events of June 3, 2002 can be made:

- The tragedy took place against a background of the hard social-economic situation in the village in absence of any stable dialogue between the local inhabitants and the executive authority and the force structures.
- The conflict was complicated by absence of the legitimate self-government body in the village since 1999.
- The police officers violated the national and international legislation by inadequate usage of the force methods, including fire-arms, against the Nardaran people. In the result, there were victims and the situation has worsened in the village.
- Detentions of the Nardaran people were unfounded and accompanied with various rough procedure violations.
- The official version, expressed in the joint statement of the minister of internal affairs and of the general prosecutor on August 1, 2002, lacks precision and contains obvious falsifications.
- The official investigation held in the rough and biased manner on the background of the continuing arrests and of the propaganda campaign in the government’s press, brought to the fact that the intimidated witnesses were scared to cooperate with any commissions on investigation of the events.
- Comparison of the factual materials gathered by the Commission with the criteria worked out by the Amnesty International and by the group of the experts from the Council of Europe (“A group of Trechsel”) gives a reason to state that the people imprisoned on this case can be considered as political prisoners. Correspondingly, in the Commission’s opinion, the obligations undertaken by Azerbaijan before the Council of Europe on the political prisoners should be related to these prisoners as well.
- The current atmosphere around Nardaran can be characterized as a passive conflict that may sharply worsen in case of new arrests or force actions. In addition, absence of any authoritative mediators in the dialogue between the authorities and the Nardaran people is doubling the possibility of destabilization.

Thereupon, the Commission would like to offer the following **recommendations**:

1. The authorities of Azerbaijan should:

- continue the dialogue with the Nardaran people aimed at the non-violent resolution of the social-economic problems;
- change the preventive punishments of the detainees on “Nardaran case”;
- stop kidnapping the village inhabitants suspected in participation in the events of June 3;
- stop breaking the presumption of innocence and to finish the propaganda campaign in press that undermines the Nardaran people’s trust in the official investigation;
- ensure the unbiased and complete investigation of the events and to view usage of the weapon by the police during the events and possible violation of the detention and investigation procedures;
- provide the citizens that suffered in the result of the actions of the police with compensation as well as to hold psychological rehabilitation of the inhabitants that experienced stress in the course of the events;
- provide conditions for conduction of the organizational events on municipal elections in the village.

2. International organizations (UN, OSCE, Council of Europe) should:

- contribute into conduction of a dialogue between the village people and the authorities;
 - recognize the Nardaran detainees as “political prisoners” in correspondence with the criteria of “Trechsel Group” and of the Amnesty International;
 - monitor the forthcoming court process on “Nardaran case” to prevent possible violations of law in the court;
 - initiate the municipal elections in Nardaran and to ensure observation of these elections.
3. Civil society of Azerbaijan should:

- stimulate a dialogue of the Nardaran people with the central authorities;
- participate in the monitoring of the court process on “Nardaran case”;
- participate in observation over elections of the municipal council in Nardaran;
- hold educational programs on various aspects of democracy and human rights in the village, including seminars on functions of the municipality, distribution of literature and etc.

The Commission’s members:

Leila Yunus	Ilgar Altay (Mammedov)
Eldar Zeynalov	Tarana Hasanova
Zaliha Tahirova	Azad Isazade
Hajimurad Sadaddinov	Fuad Agayev
Rena Najafzade	Ramil Hasanov
Elmira Alekberova	Djebrayil Djebrayilov
Mirvari Qahramanli	Islamali Aliyev
Fuad Hasanov	Abdul Talibzade
Rafiq Zeynalov	

Appendix 1

VIOLATIONS OF LAW BY AUTHORITIES
during the events of June 03 in Nardaran and later

No.	Actions	Constitution	National laws	UN Treaties	European Conventions
1.	Obstacles for registration of candidates for municipal council	Art.56	Art.134 of old CC (Art.159 of new CC).	Art.25 of ICCPR	Art.3 of Protocol #1 of ECHR
2.	Persecution of “Council of Elders”	Art.58	Art.28 LNGO	Art.22 of ICCPR	Art.11 of ECHR
3.	Searches in Nardaran on June 03	Art.33	Art.Art.1,4,8 LOSA, 24,25 LP, 243 CPC, 157 CC	Art.17 of ICCPR	Art.8 of ECHR
4.	Use of forcible methods in June 03 night	Art.27, 46	Art.27 LP, 19 LSIT, 120.2, 123, 126-130 CC	Art.6, 7 of ICCPR	Art.2, 3 of ECHR
5.	Arrests of citizens in June-September	Art.28, 63, 66	Art..21 of LP; Art. 20, 21, 145.2, 148.4, 157.3 of CC; Art.157.1, 159 of CPC; Art.6 of LPA	Art.9 of ICCPR	Art.5 of ECHR
6.	Treatment of detainees	Art.46	Art.5 of LP; Art. 133, 293, 294 of CC; Art.124.1.1 of CPC	Art.7, 10 of ICCPR; CAT	Art.3 of ECHR; CPT
7.	Announcement of search for members of Council of Elders on August 01	Art.63	Art.278 of CPC	Art.14.2 of ICCPR	Art.6.2 of ECHR
8.	Blockade of settlement in June-July	Art.28	Art. 5 of LP	Art.12 of ICCPR	Art.2 of Protocol #4 of ECHR

Abbreviations

ICCPR – International Covenant of Civil and Political Rights

ECHR – European Convention of Human Rights

CPT - European Convention on Prevention of torture and other cruel, inhuman and degrading treatment and punishment

CAT - UN Convention Against of torture and other cruel, inhuman and degrading treatment and punishment

LOSA - Law About Operations and Search Activities

LP – Law About Police

LNGO - Law about Non-Governmental Organizations (Public Associations and Foundations)

LPA - Law About Prsychiatric Assistance

CC - Criminal Code

CPC - Criminal Procedure Code

Appendix 2**LIST OF PRISONERS ON “NARDARAN CASE”**

No	Surname, Name, Patronimic	Date of birth	Date of Arrest	Article of Criminal Code	Health conditions	Advocate	Prison	Crite-ria
1.	Ahmedov Hadjibaba Mammed oglu	1974	03.06.02 night	220.1, 233,315.1	-	No	IT-1	A, B
2.	Aliyev Alikram Ismayil oglu	1940	10.06.02	220.1, 233, 315.1	Diabetis, eyes	Fazil Mammedov	IT-1	A, B
3.	Alizade Djebrayil	1941	20.09.02	220.1, 233,315.1	Severely beaten	Aydin Nazarli	IT-1	A, E
4.	Allahverdiyev Alikram Fazil oglu	1949	10.06.02	220.1, 233, 315.1	Mentally disabled, Wounded	No	IT-1	A,D,E
5.	Askerov Agahuseyn Asker oglu	1974	03.06.02 night	220.1, 233,315.1	-	No	IT-1	A, B
6.	Atakishiyev Hafiz Hasan oglu	1949	05.06.02	229, 234	-	No	IT-1	A, E
7.	Babayev Fuzuli Huseynaga oglu	1955	03.06.02 morning	221.2.2, 233,315.1	-	No	IT-3	A

8.	Bekirov Seyfeddin Sahib oglu	1984	07.06.02	220.1, 233, 15.1	-	Sabir	IT-3	A
9.	Djabbarov Elkhan Khanlar oglu	1978	03.06.02 night	220.1, 233,315.1	-	No	IT-3	A, B
10.	Movlamov Mirzaaga Agadjafar oglu	1973	27.07.02	220.1, 233, 315.1	Wounded	Elchin Qam-barov	IT-3	A, E
11.	Qasimov Mehman Ali oglu	1972	03.06.02 night	220.1, 233, 15.1	Harmed one eye	No	IT-1	A, B
12.	Rahibzade Sameddin Safqulu oglu	1960	03.06.02 morning	221.2.2, 233,315.1	-	No	IT-3	A
13.	Rustamov Inayat Maherram oglu	1946	03.06.02 morning	221.2.2, 233,315.1	-	No	IT-3	A, B
14.	Veliyev Hikmet Mirzababa oglu	1963	03.06.02 morning	221.2.2, 233,315.1	-	No	IT-3	A
15.	Zakiev Etibar Zaki oglu	1956	03.06.02 morning	221.2.2, 233,315.1	-	No	IT-3	A, B

Abbreviations:

IT-1 – Investigation Isolator #1 of Ministry of Justice named also as Bayil Prison

IT-3 – Investigation Isolator #3 of Ministry of Justice named also as Shuvelyan Prison

NARDARAN – 2002



Meeting of protest of Nardaranians



Place of Nardaran events. Flowers at the place
of death of A.Agayev



Alihasan Agayev – alive and dead



Nardaran inhabitant beaten by police



Wounded to neck preferred to treat at home

NARDARAN– 2002



Meeting of Nardaranians and human rights defenders started idea of the Commission.



Nardaran administration building reportedly "destroyed" by protesters



Nardaran elders de facto outlawed by authorities



Fact-finding mission works. Trecks of bullets.



Submachine gun bullets found out by Commission

NARDARAN– 2002



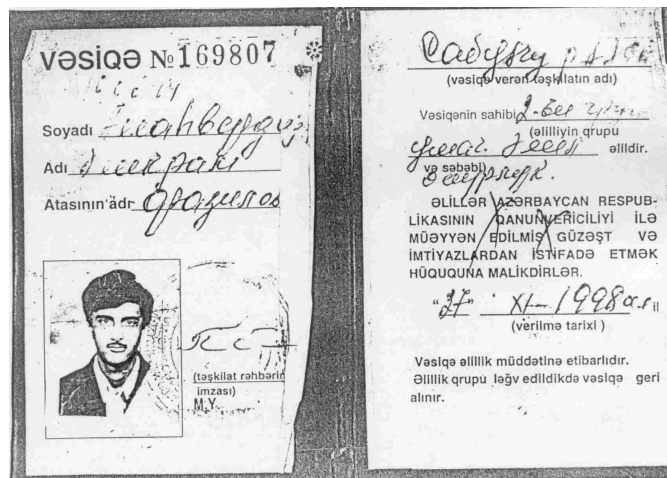
Burned police bus where investigators supposedly “found” out 17 bullet holes.



Prepared graves which were named by authorities as trenches for defence



Burned police car. In one of such cars were found strange cartridges. Later, police would like to “find out” such pistol in Dj.Alizade household.



ID of mental invalid from childhood Alikram Allahverdiyev who is now in detention



Independent Commission publicized its findings in Nardaran on October 17, 2002.

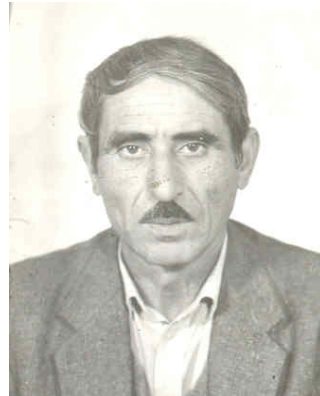
PHOTOGRAPHS OF DETAINEES ON NARDARAN CASE



Hadjibaba Ahmedov



Alikram Aliyev



Djebrayil Alizade



Alikram Allahverdiyev



Agahuseyn Askerov



Fuzuli Babayev



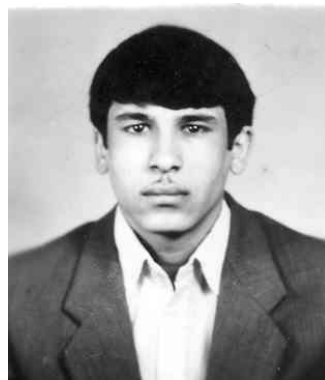
Seyfeddin Bekirov



Elkhan Djabbarov



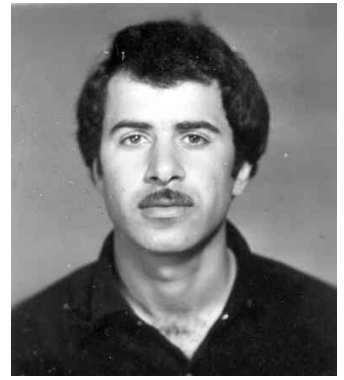
Mirzaaga Movlamov



Mehman Qasimov



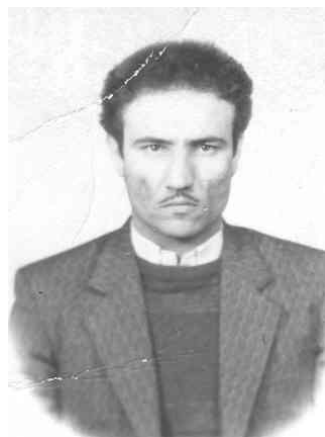
Sameddin Rahibzade



Inayat Rustamov

?

Hafiz Atakishiyev



Hikmet Veliyev



Etibar Zakiyev