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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

7 November 2013

AZERBAIJAN: "Tragicomedy and mockery of justice"

By Felix Corley, Forum 18 (https://www.forum18.org)

Islamic theologian Taleh Bagirov has been given a two-year strict regime prison sentence on 1 November by a court in Azerbaijan. He was found guilty of possessing just over one gram of heroin, a fabricated accusation his supporters insist. As well as politically opposing the state, Bagirov and other Muslims had opposed the Caucasian Muslim Board's attempt to impose an imam on the Hazrat Abulfaz Aga Mosque. The authorities attempted to use a sermon to prosecute him, but "they realised they would have made themselves a laughing stock if they had pursued these charges" lawyer Javad Javadov told Forum 18 News Service. In August Bagirov's driver, Anar Melikov, was given a 19-month prison term. His lawyer Anar Kasimov denounced this "tragicomedy and mockery of justice". Among other recent cases, two Jehovah's Witnesses - Reza Babayev and Ilham Hasanov - were discussing their faith in Barda when a local man gathered a crowd of about 20 men who insulted and assaulted the two, and tore some of their religious literature. Police took no action against the crowd, but Babayev and Hasanov have been convicted of "violating legislation on holding religious meetings, marches, and other religious ceremonies". Their appeals were rejected today (7 November).

Islamic theologian and preacher Taleh Bagirov was given a two-year strict regime prison sentence on 1 November by a court in Azerbaijan's capital Baku. He was found guilty of possessing just over one gram of heroin, in an accusation his supporters insist was fabricated to punish him for his religious and political activity. The sentence was handed down three months after Bagirov's driver, Anar Melikov, was given a 19-month prison term in August, Forum 18 News Service notes.

Bagirov and Melikov were both arrested on 31 March. While in the hands of Baku's Sabunchu District Police, both say they were beaten (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

Imam Bagirov (also known as Bagirzade) had led prayers at the Hazrat Abulfaz Aga Mosque in the village of Mastaga on the Absheron peninsula near Baku. Like all mosques in Azerbaijan, the government insisted that Hazrat Abulfaz Aga Mosque has to be controlled by the Caucasian Muslim Board, which named its imam (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690). However, many mosque members rejected the imam named by the Board, Mirjafar Hasanli. They welcomed instead Bagirov and another theologian Zulfugar Mikailzade to lead Friday prayers and give the sermon. Mosque members often prevented the Board-appointed imam from entering the mosque (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

Bagirov's supporters say the authorities were also unhappy at his preaching against the Caucasian Muslim Board and state officials. They insist that the drugs police claim to have found on Bagirov (just over a gram of heroin), and the gun and bullets police claim to have found on Melikov, were planted. When the authorities sought to imprison Baptist Pastor Hamid Shabanov in 2008 for leading an unregistered religious community in his home village of Aliabad, a gun was found on him which his supporters also insisted was planted (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

Melikov's trial

The case against Melikov, Bagirov's driver, was prepared by the police Department for the Fight Against Organised Crime. Melikov always insisted that the Makarov gun and four bullets police allege they found on him when he and Bagirov were arrested had been planted. A household knife had been found in the boot of the car, but officers claimed it had been in his pocket (see F18News 28 June 2013 http://www.forum18.org/archive.php?article_id=1852).

Melikov was tried first. On 7 August, Judge Anar Kasimov of Baku's Sabunchu District Court found him guilty of violating Article 228.1 and 228.4 of the Criminal Code, the Judge's assistant – who did not give her name – told Forum 18 from the court on 6 November. Melikov received a 19-month general regime labour camp sentence.

Criminal Code Article 228.1 ("Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies and ammunition (except for a hunting rifle), and explosives") carries a maximum sentence of three years in jail. Article 228.4 (" Illegal purchase, selling or carrying of a gas weapon or knife, except in districts where carrying of a knife is an accessory of national dress or connected to hunting") carries a maximum sentence of one year in jail.

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One of Melikov's lawyers, Javad Javadov, appealed to the judge to allow his client to sit next to him at the trial, rather than in the cage in the small courtroom, he told Forum 18 from Baku on 6 November. However, Judge Kasimov rejected the request.

Judge Kasimov's assistant told Forum 18 the Judge would not speak about the case.

Although he "completely rejects the charges", Melikov chose not to lodge an appeal, his lawyer Javadov added.

Melikov in prison

Melikov is currently held in Prison No. 16 in the village of Ramana near Baku. This holds about 1,000 prisoners serving first sentences on lesser charges. Javadov says Melikov has no problem in prison having access to religious literature, including the Koran, and to prayers. He can also receive visits from relatives and his lawyers.

Melikov's prison address is:

Anar Melikov

AZ-1042, Baki shahari

Suraxani rayonu

Bul-Bula qasabasi

S.Aliyev kuchasi 200

16 sayli Cazachakma muassisasi

Azerbaijan

Criticising the authorities

The 29-year-old Imam Bagirov is known for his strong criticism of the Azerbaijani government as well as of the Muslim Board. "You have stolen people's land, you have stolen the oil, and you still sit there with no one to say anything to you. Now you want to rule in the mosque too? No matter how influential an official is, he cannot rule inside the mosque", independent Baku journalist Idrak Abbasov wrote in a 5 April article for the Institute for War and Peace Reporting (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

In sermons shared on social media, Bagirov compared the government to the Egyptian pharaohs, and called Muslims out into the streets. After studying in Qom in Iran and Najaf in Iraq, two of Shia Islam's holiest cities and centres of learning, he returned to Azerbaijan in May 2011. From then until November 2012 Bagirov was imprisoned for 18 months for his participation in demonstrations against bans on the headscarf for girls in schools (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

An "expert analysis" of videos of his sermons was conducted by the Justice Ministry, together with the State Committee for Work with Religious Organisations (see F18News 28 June 2013 http://www.forum18.org/archive.php?article_id=1852). This was at the instigation of police investigators, who were particularly interested in his sermon on 24 March, the last sermon before his arrest. The sermon had been widely distributed on social media.

However, the State Committee's analysis - completed in mid-September and shared with Bagirov's lawyers - found no basis for any criminal charges, Bagirov's lawyer Javadov told Forum 18. "They realised they would have made themselves a laughing stock if they had pursued these charges," he said.

Javadov described Bagirov's 24 March sermon as merely the "catalyst" for the arrest. "Sooner or later they would have arrested Taleh."

Forum 18 was unable to reach Aqil Shirinov, head of the State Committee's Expertise Department, or State Committee spokesperson Orhan Ali. Neither was in the office when Forum 18 called on 6 November.

Such "expert analyses" are an integral part of Azerbaijan's censorship system (see eg. F18News 2 May 2013 http://www.forum18.org/archive.php?article_id=1830).

Case against Imam Bagirov

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The police Department for the Fight Against Organised Crime completed the case against Bagirov on 25 September and handed it to court. Investigators claimed Bagirov was in possession of 1.026 grams of heroin when police arrested him on 31 March. He vigorously rejected the accusation.

Javadov said prosecutors could go to court only with the accusation of drug possession under Criminal Code Article 234.1. This punishes the illegal purchase or storage, without a commercial purpose, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption. The maximum sentence is a prison term of up to three years.

"So the whole case revolved around just over one gram of heroin – and even that wasn't proved in court," Javadov told Forum 18 with a bitter laugh.

Bagirov's trial

Bagirov was finally brought to trial at Baku's Sabunchu District Court on 28 October under Judge Samir Aliyev, local media reported. Hearings took place that day and the following day, and the case was completed on 1 November.

For each hearing, Bagirov was escorted to the small courtroom by six or seven police officers. During the trial he was held in a cage in the courtroom. Judge Aliyev rejected Javadov's application that his client should be allowed to leave the cage and sit alongside him and fellow lawyer Anar Kasimov.

Journalists were not allowed into the courtroom and only a handful of Bagirov's supporters were allowed in, Faik Mejid of Caucasian Knot news service noted on 1 November.

On 28 October, the police violently dispersed a crowd outside the court room, local news agencies noted. About twenty people were detained and criminal proceedings were launched against four of them. The rest were freed in the early hours of 29 October after paying fines of between 50 and 800 Manats (380 and 6,000 Norwegian Kroner, 45 and 750 Euros, or 60 and 1,000 US Dollars).

During Bagirov's trial, the Prosecutor asked for the maximum punishment of three years' imprisonment. Bagirov rejected the charges against him.

Bagirov's lawyer Kasimov objected to the way the trial proceeded. "Police officers who were witnesses in this case gave testimony which did not tally with the investigation's material," he wrote on his Facebook page while the trial was still underway. He noted that the indictment and police reports claimed that the heroin had been found in Bagirov's trousers, while the police officers told the court that the drugs had been found in a pocket of his coat.

Then the floor was given to the prosecutor and after that there was a recess.

"Tragicomedy and mockery of justice"

After the prosecutor's speech, Bagirov's lawyer Kasimov left the court in protest. He told Turan news agency that he did not want to watch this "tragicomedy and mockery of justice". He complained about the speed of the trial and lack of time given to the defence to prepare its closing address.

Kasimov added that his client was calm and said that he did not care about the verdict.

When the two-year strict regime verdict was delivered soon after, one of Bagirov's supporters spat at Judge Aliyev. The judge ordered a police officer to detain the man.

Bagirov in prison preparing appeal

Bagirov's lawyers received the written verdict on 6 November, Javadov told Forum 18. Bagirov has until 21 November to lodge an appeal to Baku Appeal Court and this is now being prepared, Javadov said.

Bagirov is still being held at Baku's pre-trial Investigation Prison at Kurdakhani, to where he had been transferred in mid-April. As in Melikov's case, Javadov said Bagirov has access to the Koran and other religious literature and can pray. He also has access to his lawyers and family.

Bagirov's prison address is:

Taleh Bagirov

AZ-1104, Baki shahari

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Sabunchu rayonu

Zabrat-2 qasabasi

Baki Istintaq tacridxanasi

Azerbaijan

Raids

Meanwhile, raids and court hearings continue to punish people for exercising the right to freedom of religion or belief without state permission. The latest known victims of such human rights violations are Jehovah's Witnesses.

Like all non-Muslim Board Islamic communities (whose existence is illegal), as well as most Protestant Christian churches, no Jehovah's Witness communities were able to gain the compulsory re-registration required by the 2009 Religion Law. This Law makes the exercise of freedom of religion or belief with other people without state permission illegal (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

On 26 May, police in the north-western town of Shamkir [Shamkhor] raided a meeting in a home attended by about 15 people, Jehovah's Witnesses told Forum 18. Officers halted the meeting and, without a court order or warrant (so breaking the law), seized all the religious literature they could find. Six of those present were taken to the police station for questioning, which lasted nearly three hours. They were warned not to hold further religious meetings.

On 25 June, those questioned at the police station lodged a complaint against Shamkir Police with Gyanja Administrative Economic Court. They asked the court to force the police to apologise for unlawful disruption of their religious meeting, refrain from such acts in future, order the release of the plaintiffs, suspend execution of the deportation order and pay the plaintiffs jointly 500 Manats or an amount defined by the court.

On 21 September, police arrived at a private home in Aliabad in the north-western Zakatala [Zaqatala] District where a Jehovah's Witness meeting was due to take place, Jehovah's Witnesses told Forum 18.

The telephone of Zakatala police chief Arif Babayev went unanswered when Forum 18 called on 6 November. The duty officer declined to discuss the raid with Forum 18.

Police and prosecutors have repeatedly pressured other religious communities in Aliabad. Two Baptist pastors, Zaur Balaev and Hamid Shabanov, were given prison terms on what their communities insisted were fabricated charges. Pastor Balaev and Hinayat Shabanova, Shabanov's wife, were given heavy administrative fines in March, but these were overturned on appeal in April (see F18News 2 May 2013 http://www.forum18.org/archive.php?article_id=1830).

Administrative cases

Eight Jehovah's Witnesses have been stopped for discussing their faith with others on the streets since spring 2013. Instances have occurred in Gakh [Qax] in north-western Azerbaijan in April and in Baku in July, Jehovah's Witnesses told Forum 18.

Eight individuals were brought to court facing accusations under Code of Administrative Offences Article 299.0.2. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines. These fines were sharply increased in Administrative Code amendments in December 2011 to (for individuals) between 1,500 and 2,000 Manats (11,400 to 15,200 Norwegian Kroner, 1,400 to 1,880 Euros, or 1,900 to 2,550 US Dollars) (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

However, in cases against six of the eight Jehovah's Witnesses, courts rejected the charges. They said no evidence had been presented that the individuals had broken the law.

Official warnings

Two Jehovah's Witnesses - Rza Babayev and Ilham Hasanov - were discussing their faith in the western town of Barda on 27 September. A local man spotted them and gathered a crowd of about 20 men. The crowd insulted and assaulted the two, although without seriously injuring them, and tore some of their religious literature, Jehovah's Witnesses complained to Forum 18.

Babayev and Hasanov called the police several times, but the police were slow to respond. When officers eventually arrived, they took both to the station and started an administrative case against them under Administrative Code Article 299.0.2. They brought no charges against the men in the crowd.

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No one at Barda police was prepared to discuss the incident with Forum 18 on 6 November.

The cases reached Barda Court on 4 October. On 7 October, Judge Ahmad Sariyev announced verbally that Babayev and Hasanov were guilty of violating Article 299.0.2 and issued an official warning against them.

The two lodged appeals on 17 October, which were heard today (7 November) at Gyanja Appeal Court. But both appeals were rejected, Jehovah's Witnesses told Forum 18. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at http://www.forum18.org/Archive.php?query=&religion=all&country=23.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482.

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