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AZERBAIJAN: Mosque unable to invite back freed imam

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

Although freed from jail three and a half years after his arrest on trumped-up charges, Imam Kazim Aliyev is unable to return to his Sunni Muslim mosque in Azerbaijan's second city, Gyanja [Gäncä]. "The whole mosque community wants him to return, but he is not being allowed – we don't know why," current prayer leader Ilham Ibrahimov told Forum 18 News Service. Human rights activist Eldar Zeynalov, who has been helping Aliyev refute charges of organising an armed uprising, told Forum 18 that the Gyanja police have warned Aliyev "unofficially" not to return to the city if he wants to avoid arrest. Imam Aliyev categorically denied to Forum 18 the claims of the Military Counter-intelligence Service. "How can three people organise an uprising? All our group did was to discuss Islam." He noted sadly to Forum 18 that he has given up trying to return to his old mosque as he knows "one hundred percent" that if he returned he would be sent back to prison.

Despite being freed from prison in the capital Baku on 20 January as part of a presidential prisoner amnesty, imam Kazim Aliyev is unable to return to his Sunni Muslim mosque in Azerbaijan's second city, Gyanja [Gäncä]. "The whole mosque community wants him to return, but he is not being allowed – we don't know why," Ilham Ibrahimov, who has been leading prayers at the mosque since Aliyev's arrest four years ago, told Forum 18 News Service from the city on 9 March. "He is a good man." Human rights activist Eldar Zeynalov, who has been helping Aliyev refute what they insist were trumped-up charges of organising an armed uprising, told Forum 18 that the Gyanja police have warned Aliyev "unofficially" not to return to the city if he does not want to be arrested.

Aliyev – who has not yet been able to regain his Identity Card - is now unemployed, and he is living with his wife, their three children and his mother in Sumgait, north of Baku. Without an Identity Card, he cannot conduct any legal activity involving property or private business, and he is liable to harassment by the police as Azeri law requires citizens to carry ID cards. Despite these problems, family members told Forum 18 on 10 March that they were overjoyed when Aliyev was freed, adding that his health is good despite his long imprisonment.

But Aliyev himself noted sadly that he has given up trying to return to his old mosque as he knows "one hundred percent" that if he returned he would be sent back to prison. He said he does not know for sure who organised the case against him or who is preventing his return.

"I know the mosque community is waiting for me there," he told Forum 18 from Sumgait on 10 March. "They keep phoning me to say this. But I've had to tell them there's no point even trying." He said he will now ask the head of the Caucasian Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade, to assign him to another mosque elsewhere. "I want to work in my faith."

Firdovsi Kerimov, the local official of the State Committee for Work with Religious Organisations, shrugged off any concerns about the refusal to allow Aliyev to return to serve in his mosque. "I don't have any information," he told Forum 18 from Gyanja on 9 March. "I heard the president released him only from the press." On repeated questioning as to what was preventing Aliyev's return to his mosque he responded: "I don't know. There's no obstruction from me."

Vali Huseinov of Gyanja city police insisted that the police had made no threats against Aliyev since his release and said that now he has been released he is free to return. "No-one would obstruct him if he returns," he told Forum 18 from the city on 10 March. "We've never had any complaints against him and don't have complaints now. If he abides by the law he can come back." Huseinov said he remembered that weapons had been found in Aliyev's mosque, but said the Military Counter-intelligence Service had led the case and the police had not been involved.

Haji Akif Agaev, spokesperson for the Caucasian Muslim Board in Baku, told Forum 18 on 10 March that he had no information about the situation in Gyanja's Sunni mosque, but would find out within one week.

Aliyev, the only Sunni imam in Gyanja (most of Azerbaijan's Muslims are Shias), was named by the state-approved Caucasian Muslim Board as imam of the Juma (Friday) mosque in Shahsevenler district of Gyanja in July 1997. He arrested in March 2002 on charges of conspiring to establish an Islamic state by preaching Shafi'i Islam, gathering a small group of young men round him and urging one – who was a soldier – to report on the weapons held by his military unit in preparation for a raid to seize them and then

take power. Aliyev vigorously rejected the accusations and maintained that the weapons the Military Counter-intelligence Service said they had found were planted.

Despite all witnesses who had previously incriminated him retracting their testimony in court, Aliyev was sentenced on 9 April 2003 to seven and a half years' imprisonment under Article 278 of the criminal code, which punishes "violent seizure of power".

With the help of Zeynalov, who heads the Human Rights Centre of Azerbaijan in the capital Baku, Aliyev lodged a case at the European Court of Human Rights (ECtHR) in Strasbourg in September 2004 (see F18News 25 October 2005 http://www.forum18.org/Archive.php?article_id=677).

Aliyev repeated his denial of any involvement with any armed uprising. "I'm not a military person – I don't even know how to use weapons," he told Forum 18. "How can three people organise an uprising? All our group did was to discuss Islam."

Zeynalov told Forum 18 that Aliyev was among 90 prisoners pardoned under a presidential decree of 19 January, "but that of course does not clear his conviction". He said convictions are automatically removed five years after release or a court can also do so (though this has not happened in Aliyev's case). "But if he were to be arrested again, of course, it would be mentioned that he had been convicted." Zeynalov told Forum 18 that Aliyev is continuing his case at the European Court over what he regards of violations of his rights over his arrest and imprisonment. The ECtHR has not yet ruled on whether the case is admissible, Zeynalov told Forum 18.

Under Azerbaijan's religion law – and in defiance of the country's international human rights commitments - the government requires all mosques to belong to the Caucasian Muslim Board, which also has to approve all imams. Since Aliyev's release, the Board has not named him to the Gyanja mosque. In his case file, Aliyev found a reference letter from the Board declaring that "although he is our employee, we don't know him in person".

Ibrahimov, the prayer leader, expressed sadness that Aliyev has not visited the mosque since his release in January. "He told me over the phone that he is not allowed to come." But Ibrahimov remains hopeful, telling Forum 18 that the imam will return to his duties if he gets permission, which he says he hopes will be soon.

Amongst other problems religious communities of all faiths in Azerbaijan experience, due to state hostility and intolerance, are: non-return of confiscated buildings (see F18News 23 November 2005 http://www.forum18.org/Archive.php?article_id=694); police raids on religious activities (see F18News 16 November 2005 http://www.forum18.org/Archive.php?article_id=689); use of the state registration system to discriminate against communities (see F18News 3 November 2005 http://www.forum18.org/Archive.php?article_id=681); and selective obstruction of foreign religious workers invited by local communities (see F18News 1 November 2005 http://www.forum18.org/Archive.php?article_id=680). (END)

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

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=92

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>

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