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AZERBAIJAN: Three year prison terms for Koran study?

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

Two Muslims from the Azerbaijani capital Baku - Eldeniz Hajiyev and Ismayil Mammadov – are under criminal investigation on charges of "Creation of a group carrying out activity under the pretext of spreading a religious faith", the lawyer for one of the men Nizami Abbasov told Forum 18 News Service. The charges carry a maximum three-year prison term. Two days after their 12 April arrest, a court ordered two months' pre-trial detention. The two – both readers of Islamic theologian Said Nursi's works - are being held in Baku's NSM secret police investigation prison. Hajiyev "told me he reads the Koran and studies with his friends and does nothing against anyone," Abbasov told Forum 18. "Of course he has the right to do this." After a separate raid in the north-western town of Qazax, another Nursi reader was given a seven-day prison term.

Two Muslims who study the works of the late Turkish Muslim theologian Said Nursi with others to help their understanding of the Koran are in prison under criminal investigation on charges that carry a maximum three-year prison term, the lawyer for one of the men told Forum 18 News Service. The two - Eldeniz Hajiyev and Ismayil Mammadov – were arrested on 12 April in a raid on a private home in the Azerbaijani capital Baku. Both are being held at the city's National Security Service (NSM) secret police investigation prison under two-month preliminary pre-trial detention.

Both Hajiyev and Mammadov are being investigated under Criminal Code Article 168.2, Hajiyev's lawyer, Nizami Abbasov, told Forum 18 from Baku on 28 April. Article 168 punishes "Creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it". Cases when minors are involved are prosecuted under Article 168.2, which carries a maximum punishment of three years' imprisonment.

The investigation is in the hands of the NSM Investigation Department, with Shahin (last name unknown) as the lead investigator, Abbasov added.

Forum 18 is not aware that Criminal Code Article 168 has been used to punish individuals for exercising the right to freedom of religion or belief. Prosecutors told Baptist Pastor Telman Aliyev a criminal case had been opened against him under this Article after a December 2011 raid on his church in the southern town of Neftechala during a meeting for worship. However, criminal prosecution did not follow, though he was fined under the Administrative Code (see F18News 15 March 2012 http://www.forum18.org/archive.php?article_id=1678).

Are Nursi's books banned?

Over recent years, police and NSM secret police officers have seized thousands of copies of Nursi's works in raids on individuals' homes across Azerbaijan, particularly copies of his 14-volume collection of writings Risale-i Nur (Messages of Light). Officers have repeatedly insisted that the works were confiscated because they are "illegal". However, officials of the State Committee for Work with Religious Organisations and other state bodies have repeatedly refused to say if Nursi's works are banned and, if so, which agency took the decision, when and why (see F18News 30 March 2012 http://www.forum18.org/archive.php?article_id=1686).

On 21 April, Forum 18 asked State Committee spokesperson Orhan Ali: "Are writings by Said Nursi (including Risale-i Nur) banned in Azerbaijan? If so, who banned them and when?" Ali's 24 April response to other questions posed at the same time included no response to this question. Forum 18 re-sent the question on 25 April but had received no further response by the end of the working day in Baku on 28 April.

No-one at the State Committee's "Expert Analysis" Department in Baku was prepared to talk to Forum 18 on 28 April. As soon as he heard Forum 18's questions, the official who answered the phone hung up. The same happened each time Forum 18 called back.

However, the local APA news agency wrote on 21 April that the State Committee banned the Risale-i Nur collection in late 2012, though it gave no source for its report. "Since then the import of this book into Azerbaijan is also banned," it added. The news agency also revealed the difficulty of establishing the facts. "Although APA has repeatedly sent an enquiry to the State Committee, it

has not been possible to find out their attitude to this question."

Three April raids

The criminal cases against Hajiyev and Mammadov followed a 12 April raid on Hajiyev's home in Baku's Yasamal District by police armed with automatic weapons. Nine others who were present at the meeting were fined. The day before the Baku raid, police in the central city of Goychay raided a meeting attended by about 70 people who read the works of Nursi. The home-owner was fined (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948).

On 17 April, police raided a private home in the town of Qazax, close to Azerbaijan's north-western borders with Armenia and Georgia. One Nursi reader was imprisoned for seven days, while another also faced administrative punishment (see below).

No comment

An officer of the NSM secret police, who would not give his name, took down Forum 18's questions on 28 April about the criminal investigation against Hajiyev and Mammadov. However, after apparently trying to transfer the call to a colleague who might be able to answer Forum 18's questions about it, the officer declined to say why they are being investigated for meeting with others to discuss their faith. He referred all enquiries to NSM press officer Arif Babayev. However, phones there went unanswered each time Forum 18 called the same day.

Ali, spokesperson for the State Committee, declined to explain to Forum 18 why individuals – such as Hajiyev and Mammadov – face police raids, literature confiscations and criminal or administrative punishments for exercising the right to freedom of religion or belief.

"These are issues in the competence of other state agencies rather than the State Committee," he emailed Forum 18 from Baku on 24 April. (He has repeatedly told Forum 18 he does not answer telephone enquiries.)

Hajiyev "does not consider himself guilty"

"My client does not consider himself guilty," Abbasov told Forum 18. "He told me he reads the Koran and studies with his friends and does nothing against anyone. Of course he has the right to do this."

Abbasov said he had been able to visit Hajiyev three times in Baku's NSM secret police investigation prison since taking on his case, most recently on 25 April. "His health is reasonable and he has not been maltreated."

Human rights defender Elchin Behbudov, head of the Azerbaijani Committee against Torture, and his deputy Elchin Shirinov also met Hajiyev during a monitoring visit to the NSM secret police investigation prison.

"He doesn't consider himself guilty," Behbudov told APA news agency on 17 April. "Eldeniz Hajiyev says he gathered a group of 30 to 40 people to study the Koran together. There were no complaints about detention conditions or the way he is being treated."

Challenging their arrest

On 14 April, two days after Hajiyev and Mammadov were arrested, Judge Elshad Shamayev of Baku's Sabail District Court ordered that they be held for two months in pre-trial detention, the court chancellery told Forum 18 on 28 April. Such detention can then be extended at further court hearings.

After hearings on 22 and 23 April, Baku Appeal Court rejected the men's appeal against the pre-trial detention orders. Hajiyev's lawyer Abbasov told Forum 18 that as soon as he gets this decision in writing, he will try to challenge it further.

Did police steal from house?

The private home where Hajiyev and Mammadov were arrested during the police raid has now been unsealed, Nursi readers told Forum 18. For some days after the 12 April raid, armed police prevented anyone from entering. "Everything had been broken and watches, shoes, clothes, carpets, and even saucepans and a vacuum cleaner had been stolen," Nursi readers complained to Forum 18. "When our friends called the police emergency number 102, they wouldn't respond."

Hajiyev's lawyer Abbasov also told Forum 18 that his client is concerned about the state the police left his home in when they finally left and what appears to have been the theft of his property.

Forum 18 was unable to find out from Yasamal District Police if and why items were stolen from Hajiyev's home while it was under police control. The telephone of District Police chief Ismayil Asadov went unanswered each time Forum 18 called on 28 April. The duty officer put the phone down as soon as Forum 18 asked about why property appears to have been stolen.

Qazax raid

Meanwhile, the 17 April police raid in Qazax was on a private home owned by Mahmud Qasimov, who police told the APA news agency lives in Russia. Police detained two men at the home, 35-year-old Murad Agayev and a 45-year-old visitor from Baku Aqil Ahmadov, and took them to the police station. Officers told APA that they received information about religious classes conducted in the home and claimed that the two men were "illegally teaching the Nurcu sect".

The house search revealed Muslim books, as well as seven sofas and four beds with bed linen which police say was for people attending religious classes to use during their stay.

"Police raided the home without a warrant," Nursi readers complained to Forum 18. "No meeting was underway at the time and only two people were there." Asked why they believe police raided the private home, one Nursi reader responded: "Murad reads Risale-i Nur."

Officers seized 175 "illegal" books "promoting the Nurcu movement". The books were sent to Nahid Mamadli of the State Committee's "Expert Analysis" Department in Baku, Asif Aliyev of the State Committee's Western Department told Forum 18 from Gyanja [Gäncä] on 28 April.

Asked why religious books are confiscated from individuals in police raids, Aliyev said he did not know. "I wasn't there and I haven't read these books," he told Forum 18. "Ask Qazax police."

The telephone of Qazax District Police chief Zohrab Ismayilov went unanswered each time Forum 18 called on 28 April. The duty officer refused to transfer Forum 18 to anyone else and referred all enquiries to the Interior Ministry in Baku. He then put the phone down.

The telephone in Baku of Interior Ministry press department deputy head Ehsan Zahidov went unanswered each time Forum 18 called on 28 April. No other officials from the department were willing to discuss the raids and punishments either.

7-day punishment - and fine?

Detained on 17 April during the raid, Agayev and Ahmadov were held overnight. On 18 April, Agayev was freed, but Ahmadov was taken to Qazax District Court. He was accused of "resisting the police" under Administrative Code Article 310.1. Judge Elnur Jebiyev found Ahmadov guilty and gave him a seven-day prison term.

Investigations against Agayev began under Administrative Code Article 299.0.2. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats. The maximum fine of 2,000 Manats (15,000 Norwegian Kroner, 1,850 Euros or 2,550 US Dollars) represents nearly five months' average wages, according to the State Statistics Committee.

Agayev was ordered to appear before Judge Jebiyev at the same court on 23 April. However, the case was then adjourned until 28 April, Nursi readers told Forum 18.

Reached on 28 April, the man who answered Judge Jebiyev's phone hung up as soon as Forum 18 asked about Agayev and Ahmadov. Other court officials reached the same day refused to say whether any punishment had been handed down on Agayev on 28 April. Fellow Nursi readers were expecting a fine.

Prosecutions continue

Administrative cases continue against other individuals for exercising their right to freedom of religion or belief. In mid-April, Judges at Baku Appeal Court rejected appeals by a group of ten men punished for exercising the right to freedom of religion or belief, according to the court website.

All ten had been punished in mid-March at Baku's Binagadi District Court under Administrative Code Article 299.0.3. This punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups" with fines for individuals of between 1,500 and 2,000 Manats.

On 7 April Judge Hasan Ahmadov upheld the punishment on Idris Ramazanov. On 8 April Judge Aflatun Qasimov upheld the fine of 1,500 Manats handed down on Elnur Qasimov, while Judge Faiq Qasimov upheld the punishment on Rasul Ismayilov and Judge Amir Bayramov upheld the punishment on Elvin Movlayev. On 9 April Judge Mirpasha Huseynov upheld the punishment on Vidadi Umudov, while Judge Vaqif Mursaqulov upheld the punishment on Arif Mammadov. On 10 April, Judge Qail Mammadov upheld the punishments handed down to Elchin Agayev and Badirkhan Jabrayilov, while Judge Vuqar Mammadov upheld the punishment on Aydin Mahmudov. On 14 April, Judge Hasan Ahmadov upheld the punishment on Aladdin Quluyev.

Defending increased controls

State Committee spokesperson Ali defended new controls on religious activity set out in new State Committee regulations. The new Regulations for the Implementation of Control Measures over Religious Communities were announced in mid-April as aiming to "ensure the legality of the activity of religious communities and give them legal assistance" (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948).

"The main focus of Inspections will be to check the activity of religious communities against conformity with the national legislation and their charter, using illegal or malicious religious literature, as well as whether the religious associations promote religious hatred or discrimination," Ali told Forum 18. "According to the results of the inspections, legal advice will be provided in order to bring their activities in conformity with legislation. At the same time, in case of serious violations administrative and procedural measures will be implemented as necessary." (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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