

16 March 2015

AZERBAIJAN: Six new freedom of religion or belief prisoners of conscience

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

On 10 March Shia Muslim theologian and translator Jeyhun Jafarov became the latest prisoner of conscience to be arrested and ordered held in pre-trial detention by Azerbaijan's NSM secret police, apparently to punish him for exercising his freedom of religion or belief, his friends told Forum 18 News Service. He has been ordered to be held for four months while being investigated for treason. Jafarov's arrest was two weeks after the arrest of five Sunni Muslim prisoners of conscience from Baku, including Mubariz Qarayev, imam of the Lezgin Mosque in Baku's Old City. The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close. They five have been ordered to be held for three months by the NSM on criminal charges of selling religious literature which has not been censored by the state. Already held in the same NSM prison are two female Jehovah's Witness prisoners of conscience, Irina Zakharchenko and Valida Jabrayilova, whose appeal against being held in pre-trial detention for three months has been rejected.

On 10 March Shia Muslim theologian and translator Jeyhun Jafarov became the latest person to be arrested and ordered held in pre-trial detention by the National Security Ministry (NSM) secret police, apparently to punish him for exercising his freedom of religion or belief, his friends told Forum 18 News Service from Azerbaijan's capital Baku on 12 March. A Baku court has set his pre-trial detention at four months while the criminal investigation on charges of treason continues. This carries a possible life sentence.

Jafarov's arrest came two weeks after the arrest of five Sunni Muslims from Baku, including Mubariz Qarayev, imam of the Lezgin Mosque in Baku's Old City. The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016). A court has ordered the five men held in pre-trial detention – also at the NSM secret police Investigation Prison – for three months on criminal charges of selling religious literature which has not been censored by the state (see below).

Already held in the same prison are two female Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova. They were arrested and ordered held in pre-trial detention for three months on 17 February. They face up to five years' imprisonment if convicted of distributing religious literature without the required state permission (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). Their appeal against being held in pre-trial detention was rejected (see below).

The arrests appear to be part of a continuing wider state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect. This has led to the arrests of many lawyers, journalists, human rights defenders and public figures the government dislikes, including Muslims and Jehovah's Witnesses exercising their freedom of religion or belief, including a conscientious objector to military service (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

No official information

The families of many of those arrested are too frightened to speak, Forum 18 notes.

Although the ordinary police confirmed to Forum 18 the criminal prosecution of the two Jehovah's Witness prisoners of conscience, the NSM secret police appears to have made no public comment on any of the latest six Muslim prisoners of conscience. This is despite the NSM arresting the Muslims, investigating them, and bringing the cases to court to have their prisoners held in NSM pre-trial detention.

The official who answered the telephone on 16 March at the NSM secret police Press Office insisted that the arrests and detentions of the six Muslims and two Jehovah's Witnesses "have nothing to do with us". The official – who would not give his name – referred all enquiries to the General Prosecutor's Office and put the phone down.

Telephones at the General Prosecutor's Office – as well as at the Sabail District Prosecutor's Office – were engaged or not answered when Forum 18 called on 16 March.

The telephone of Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations, went unanswered when Forum 18 called on 16 March.

Newest freedom of religion or belief prisoner of conscience arrested

The 42-year-old Jafarov has exercised his freedom of religion or belief in a variety of ways, including leading haj pilgrimage groups to Mecca. He conducted a series of television programmes on Space TV on religion entitled "Night Conversations". He translated two books entitled "Ethics in Islam" by the late Iranian Ayatollah Mohammadreza Mahdavi Kani. He also led the Evolution Translation Centre.

On 4 March Jafarov returned with his brother from Iran, where the brother had been undergoing a kidney operation, the Baku newspaper "Musavat" reported on 11 March. Jafarov had accompanied his brother to help him during the eight-day visit. After their return, Jafarov was ordered to report to the NSM secret police on 10 March. There he was arrested, and his family had no information about what had happened to him.

On 12 March Judge Elshad Shamayev of Baku's Sabail District Court ordered Jafarov held in pre-trial detention in the NSM secret police Investigation Prison in Baku for four months, his friends told Forum 18. He learnt that he is being investigated under Criminal Code Article 274 ("Treason"). This is punishable by between 12 years' and life imprisonment.

"Jeyhun Jafarov has never been involved in politics," a local scholar of Islam in today's Azerbaijan told Forum 18 on 11 March. "The government will probably try to associate him with the Iranian secret services."

Legal culture

The Chancellery of Sabail District Court refused to confirm details of the hearing for Jafarov (or for any of the other recent detainees). One official insisted to Forum 18 on 13 March: "We can't give any information because you're not a party to the case and we can't give any information by phone." Her colleague, who similarly would not give his name, refused even to confirm that the hearing had taken place. "We can't say if it happened or didn't happen." Asked if the hearing had been open or closed, the official laughed. "You're taking up our work time. My culture doesn't allow me to put the phone down," he added, before putting the phone down.

Five arrests of freedom of religion or belief prisoners of conscience

The latest five Sunni Muslim prisoners of conscience were arrested in the days following a raid by officials of the State Committee for Work with Religious Organisations on the Burhan Muslim bookshop in Baku. Although friends of the five insist that all the books on sale had received the compulsory prior approval from the State Committee, officials claimed that some of the books had not. The shop has not been closed.

Strict state censorship of all religious literature and other materials produced in Azerbaijan or imported is imposed. Texts such as the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are banned (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). There is also compulsory state licensing of all bookshops and street vendors who wish to sell books and texts dealing with religion or belief (see F18News 18 July 2012 http://www.forum18.org/archive.php?article_id=1721).

The 40-year-old Imam Qarayev of the Lezgin Mosque, who also runs the bookshop, was first summoned by the NSM secret police for questioning one Friday in January, his friends told Forum 18. "Officers told him they would be finished with him before Friday prayers," one friend told Forum 18. "But they weren't. We were waiting and waiting and trying to call him. We had to go ahead with prayers without him and someone had to give the sermon without being able to do the proper preparation."

Imam Qarayev and three other Sunni Muslims – Habibullah Omarov, Salim Qasimov and Eyvaz Mammadov – were summoned to the NSM secret police on 24 February. There they were detained. In separate hearings on 26 February, various judges at Baku's Sabail District Court ordered their pre-trial detention at the NSM Investigation Prison.

A fifth Sunni Muslim, Azad Qafarov, was summoned to the NSM secret police and detained on 26 February. On 28 February Sabail District Court ordered his pre-trial detention at the NSM Investigation Prison.

Sabail District Court Chancellery refused to discuss any recent hearings with Forum 18.

Criminal investigation

Omarov and Qafarov are being investigated under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. NSM Investigator Samir Aliyev is leading the case against the two.

Imam Qarayev, Qasimov and Mammadov are being investigated under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' imprisonment.

Criminal Code Article 167-2 was among other many new criminal and administrative punishments for exercising freedom of religion or belief introduced in 2011 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

"It's not pleasant when they take the imam of a mosque"

"Of course we're worried about them," one friend of some of the five men told Forum 18 from Baku. "These are serious charges." The friend was particularly concerned at the arrest of Imam Qarayev. "It's not pleasant when they take the imam of a mosque. Community members keep asking when he'll be freed."

On the three Fridays since Imam Qarayev's arrest, members of the congregation have had to lead the namaz, a member of the Lezgin Mosque told Forum 18.

In the past month, several members of the Lezgin Mosque have been sacked from their jobs, the community member added. "Although this has been going on for some years, it has stepped up in the past month."

The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016). The latest known violations of Sunni Muslims' freedom of religion or belief include the State Committee for Work with Religious Organisations warning the leaders of a Sunni Mosque in Qobustan that if the leadership did not liquidate itself, hand back documents for the Mosque, and allow the Mosque leadership to be replaced, the State Committee would go to court to enforce its liquidation. The Mosque leadership reluctantly complied under state pressure (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

On 18 February a Sunni Muslim prisoner of conscience, Zohrab Shikhaliyev, was given a six month jail term for having an open prayer room in his home. As he had already been held for more than three months in pre-trial detention, he had nearly three months left to serve (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

Prison address of latest six prisoners of conscience

The NSM secret police Investigation Prison in Baku – where Jafarov, Qarayev, Omarov, Qafarov, Qasimov, Mammadov, Zakharchenko and Jabrayilova are being held - is on the upper floor of the main NSM building in Baku.

It was among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). It has still not been published.

All six of the latest prisoners of conscience are being held in:

Milli Tahlükəsizlik Nazirliyinin

Istintaq Tacridxanası

Parlament Prospekti 14

Baku AZ-1006

Azerbaijan

Appeal against prisoners of consciences' detention fails

The two female Jehovah's Witness prisoners of conscience, Zakharchenko and Jabrayilova, are being held in the same NSM secret police Investigation Prison. They appealed against the pre-trial detention orders for three months, but on 26 February Baku Appeal

Court rejected their appeals, Jehovah's Witnesses told Forum 18. The two women were brought to the closed hearing in handcuffs in a van with tinted windows.

The two are, like the five Sunni Muslim prisoners of conscience from the Lezgin Mosque, also being investigated under Criminal Code Article 167-2.2.1, in their case for the "crime" of distributing religious literature on a street (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The case is being led by NSM Chief Investigator Matlab Mehdiyev. While Jabrayilova is represented by a lawyer, investigators insist that Zakharchenko cannot use the same lawyer. She is still seeking a lawyer to represent her, Jehovah's Witnesses told Forum 18.

Fresh NSM searches and questioning

On 6 March the NSM secret police searched Zakharchenko and Jabrayilova's homes again. Also in connection with the case, they searched the home of a leader of the Baku Jehovah's Witness community and the place where the community meets on 10 March, Jehovah's Witnesses told Forum 18.

At least five Jehovah's Witnesses from Baku have been summoned for interrogation at the NSM secret police about the case, even though questions were far more wide-ranging. Some were held there and questioned for hours, Jehovah's Witnesses added.

Violence has been used by the NSM and other officials against those it questions (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Trial continues for former secret police prisoners

Also held for several months in 2014 in the same NSM secret police Investigation Prison were three of five other Muslims now on trial in Baku. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began under Judge Akshin Afandiyev at Baku's Yasamal District Court with a preliminary hearing on 10 December 2014 and hearings have continued since then (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The five Muslims were with others arrested for participating in a meeting to discuss their faith which was raided by armed police and NSM secret police in April 2014. They were transferred to house arrest on 12 September after up to five months in pre-trial detention at the NSM secret police investigation prison in Baku. Hajiyev and Mammadov had been held since April, Sabzaliyev since May (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

The next hearing in the case is due on 17 March. "Hearings are taking place almost every week," the lawyer for four of the five men Asabali Mustafayev told Forum 18 from Baku on 13 March. "As there are still many witnesses to question, the trial might not be concluded until the end of May or June." He noted that as long as the trial continues, the five men are living under restrictions. This includes a ban on leaving Baku. (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>.

See also Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan at: http://nhc.no/content/uploads/2018/07/Rapport2_15_Aserbajdsjan_web.pdf

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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