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AZERBAIJAN: Imam prisoner of conscience jailed for one year

By Felix Corley, Forum 18

Imam Mubariz Qarayev, who led prayers and preached at the Lezgin Mosque in Azerbaijan's capital Baku, was given a one-year prison sentence on 10 July, Forum 18 News Service has learned. He is the fourth from a group of five Sunni Muslim prisoners of conscience connected to the Mosque, which the authorities want to close, to receive a prison term. And in western Azerbaijan, Sabuhi Mammadov, the host of a group of Muslims who met to study the works of Islamic theologian Said Nursi, was given a massive fine in early June. "He had not gathered people correctly," police told Forum 18. Thirteen other Muslims were also fined after police broke up the meeting. And in late June, Azerbaijan denied entry to Georgian Orthodox priest Fr Demetre Tetrushvili, who has served the only two Georgian Orthodox parishes with state permission to exist in the country for the past four years. The local Georgian Orthodox community cannot now celebrate the liturgy or receive other sacraments.

Imam Mubariz Qarayev, who led prayers and preached at the Lezgin Mosque in Azerbaijan's capital Baku, was given a one-year prison sentence on 10 July, Forum 18 News Service has learned. He is the fourth from a group of five Sunni Muslim prisoners of conscience connected to the Mosque, which the authorities want to close, to receive a prison term. All five prisoners of conscience are accused of selling religious literature which has not undergone state censorship (see below).

In Gadabay Region of western Azerbaijan, Sabuhi Mammadov, the host of a group of Sunni Muslims was given a massive fine in early June and 13 others were fined for alleged "hooliganism" after police broke up a meeting to study the works of Islamic theologian Said Nursi. "Mammadov is guilty – he had not gathered people correctly," a police officer told Forum 18 from Gadabay. Police also confiscated religious books during the raid, but denied this to Forum 18.

In late June, Azerbaijani border authorities denied entry to Georgian Orthodox priest Fr Demetre Tetrushvili, who has served the only two Georgian Orthodox parishes with state permission to exist in Azerbaijan for the past four years. With no priest, the Georgian Orthodox community in Azerbaijan cannot now celebrate the liturgy or receive other sacraments (see below).

These human rights violations are part of a broader state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect.

Prisoner of conscience's one year jail term

Imam Mubariz Qarayev of Baku's Lezgin Mosque – one of a group of five Sunni Muslim prisoners of conscience arrested by the National Security Ministry (NSM) secret police in February – was jailed for one year on 10 July at Baku's Narimanov District Court. Like the other prisoners of conscience from the Mosque, he was accused of selling religious literature and other items which had not undergone state censorship, his friends told Forum 18 after the sentence was imposed.

The government intends to forcibly close the Sunni Lezgin Mosque in Baku's Old City, one of many Sunni mosques the government has closed (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

After a trial which began on 22 May, Judge Turqay Huseynov found Imam Qarayev guilty on 10 July and handed down a one-year prison term. He was convicted under 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 of 5,000 to 7,000 Manats, or up to two years' imprisonment.

The trial of fifth of the Lezgin Mosque prisoners of conscience, Eyvaz Mammadov, continues under Judge Rashad Abdulov at Narimanov District Court (see F18News 10 July 2015 http://www.forum18.org/archive.php?article_id=2079).

Three other convicted Lezgin Mosque prisoners of conscience

Three other prisoners of conscience from the Lezgin Mosque were convicted in early July on the same charges as Imam Qarayev. Azad Qafarov was given a 15-month jail term, Habibullah Omarov a one-year jail term and Salim Qasimov a six-month jail term.

All the sentences are to be served in general regime labour camps (see F18News 10 July 2015 http://www.forum18.org/archive.php?article_id=2079).

After he was sentenced, Omarov was transferred from Baku's NSM Investigation Prison to Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District. Their friends told Forum 18 that they believe Qafarov, Imam Qarayev and Qasimov may already also have been transferred to Kurdakhani Investigation Prison. The Prison's address is:

AZ-1104, Baki shahari

Sabunchu rayonu

Zabrat-2 qasabasi

Baki Istintaq tacridxanasi

Azerbaijan

Fines follow raid

On 2 June between 10 and 15 police officers raided Sabuhi Mammadov's home, in Gadabay in western Azerbaijan, where about 25 Sunni Muslims were meeting, their friends told Forum 18. The Muslims met to study the works of the late Turkish theologian Said Nursi, to help them understand Islam better.

The police officers – who were led by Deputy Police Chief Bahram Mammadov (no relation) – confiscated several dozen books. These were mostly works from Nursi's collection of sermons "Risale-i Nur" (Messages of Light). These texts are routinely confiscated by police during raids (see eg. F18News 3 June 2014 http://www.forum18.org/archive.php?article_id=1964).

State censorship of religious texts is strictly applied and the Old Testament, the writings of Islamic theologian Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955).

An administrative case was opened against Sabuhi Mammadov, the man the police regarded as the organiser, 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.

Administrative cases were opened against 13 other Muslims present at the meeting under Administrative Code Article 296 ("Hooliganism").

All the cases were heard at Gadabay District Court on 3 June. Sabuhi Mammadov was fined the maximum of 1,500 Manats (about 11,485 Norwegian Kroner, 1,290 Euros, or 1,430 US Dollars). His appeal against his fine reached Gyanja Appeal Court on 18 June. Judge Chingiz Mammadov rejected his appeal on 25 June, according to court records.

Also on 3 June, Gadabay District Court found the other 13 Muslims guilty of violating Administrative Code Article 296. Each was fined 50 Manats (about 380 Norwegian Kroner, 40 Euros, or 50 US Dollars), the minimum penalty. Gyanja Appeal Court did not overturn the convictions and fines on appeal, their friends told Forum 18. "Many of the Judges didn't listen," a friend told Forum 18.

The friend complained particularly about the conduct of Judge Elshad Bayramov at Emin Alakbarov's appeal hearing on 29 June. "The Judge began the hearing, wouldn't listen to Emin, left the room, then returned with the decision rejecting the appeal."

"Mammadov is guilty – he had not gathered people correctly"

Gadabay District Police Chief Maharram Quliyev was not in the office when Forum 18 called on 9 and 10 July. Another officer, who would not give his name, initially denied to Forum 18 on 10 July that Sabuhi Mammadov's home had been raided. He then defended the raid. "The police have the right to do this," the officer insisted. "Mammadov is guilty – he had not gathered people correctly."

Asked why Mammadov had committed an offence simply by inviting others to his home for a meeting about their faith, the officer would not respond. He denied that anything had been confiscated.

Mammadov has written complaints to the police and other state bodies demanding the return of his confiscated books. However, the books have not been returned, his friends complained to Forum 18.

Priest barred from return

On 21 June, Azerbaijani border guards denied Georgian Orthodox priest Fr Demetre (secular name Levan Tetrushvili) permission to re-enter the country at the border crossing point from Georgia at Balakan.

Since 2011, Fr Demetre has been the parish priest of the registered St George's Church in Gakh [Qax] in north-western Azerbaijan, which has a sizeable Georgian minority. He also serves in the second and only other registered Georgian Orthodox parish of St Nino in the nearby village of Alibeyli.

An image of the page of Fr Demetre's Georgian passport – seen by Forum 18 – shows multiple stamps for entry and exit through Balakan throughout 2015. However, the entry stamp for 21 June is counter-stamped "Annulled".

"Border guards gave me no reason as to why I couldn't return to Azerbaijan," Fr Demetre told Forum 18 on 11 July. Without him, parishioners gather in the church to pray, but no liturgy or other sacraments can take place.

Other Georgian Orthodox churches in Gakh District, such as St George's Church in Kurmukh, have been kept forcibly closed since 2007 by the authorities despite appeals from local people (see F18News 29 January 2009 http://www.forum18.org/archive.php?article_id=1246).

In addition, the authorities have refused to allow commemorations at the grave of St Mikael Kuloshvili, Georgian Orthodox Christians told Forum 18. The priest was killed by supporters of the Azerbaijani Musavat party in 1918 and is buried in the grounds of St George's Church in Gakh. The Georgian Orthodox Holy Synod pronounced him a saint in 2012, with his saint's day as 5 May.

Why the re-entry ban?

Forum 18 has been unable to find out why Azerbaijani border guards suddenly denied Fr Demetre permission to re-enter Azerbaijan. An official of the State Border Service in Baku told Forum 18 on 29 June although his documents were in order, "maybe the duration of his passport may have expired, or the Migration Service might have denied him entry, or maybe he didn't pay his tax on time".

Written enquiries to the State Committee for Work with Religious Organisations in Baku on 29 June and 3 July remained unanswered by the afternoon of the working day in Baku on 13 July.

Written enquiries on 29 June and 9 July to Hikmet Hajiyev, spokesperson for Azerbaijan's Foreign Ministry in Baku, have so far gone unanswered, though Hajiyev promised an answer when Forum 18 called on 9 July. Forum 18 had received no response by the middle of the working day in Baku on 13 July.

"Painful longing.."

Supporters of Fr Demetre's desire to return to his parish in Gakh set up a Facebook page. They also organised what they described as a "peaceful demonstration" outside Azerbaijan's Embassy in the Georgian capital Tbilisi on 27 June.

"The problem over Fr Demetre's return has not yet been resolved," an official of the Georgian Orthodox Patriarchate told Forum 18 from Tbilisi on 9 July. Fr Demetre posted photos of St George's Church in Gakh and himself with parishioners on his Facebook page on 4 July with the words "Painful longing.." In a Facebook post on Sunday 5 July, he noted that it was two weeks since the denial of re-entry to Azerbaijan and commented that "the parish remains without a shepherd".

"At the moment, there is no hope that Azerbaijan's authorities will allow me to return," Fr Demetre told Forum 18.

Second priest denied

Fr Demetre is the only Georgian Orthodox priest serving in Azerbaijan, he told Forum 18. "We wanted to have a second priest to serve the community in Gakh, but the Azerbaijani authorities didn't allow it," he stated.

Bishop Melkisedek (Khachidze) of Hereti wrote to the State Committee in 2012 asking for such permission, sending the letter via the Georgian Embassy in Baku, Fr Demetre explained. However, the State Committee responded in writing rejecting the request.

"The law is like an axle - you can turn it whichever way you please"

Following the denial of entry to Fr Demetre, the Georgian Embassy to Azerbaijan "immediately brought this fact to the attention of the competent Azeri authorities", Georgia's Foreign Ministry told Forum 18 from Tbilisi on 10 July.

"Azerbaijan's domestic legislation, as was indicated in an explanatory note provided by the Azeri side, stipulates that the right to officiate church services in the territory of Azerbaijan rests exclusively with citizens of Azerbaijan," the Georgian Foreign Ministry

added, "and it was for this very reason that the Georgian clergyman (a citizen of Georgia) was denied access to Azerbaijan."

Despite the Azerbaijani Foreign Ministry's claims, their laws do not specifically ban foreign religious workers. Article 24 of the Religion Law, which covers religious communities' international contacts, requires the consent of the "relevant executive authority" for "the exchange of clergy". But Article 1 of Azerbaijan's Religion Law bans "religious propaganda by foreigners and stateless persons". Article 300.0.4 of the Administrative Code specifies fines and deportation for those who violate this ban (see the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan http://www.nhc.no/content/uploads/2018/07/Rapport2_15_Aserbajdsjan_web.pdf).

"This is a classic example of the old proverb," Eldar Zeynalov of the Human Rights Centre of Azerbaijan in Baku observed on 27 June. "The law is like an axle - you can turn it whichever way you please."

The Georgian Foreign Ministry noted that the Patriarchate of Georgia "has conceded the need" for Fr Demetre to acquire Azerbaijani citizenship "to ensure that his activities fall within the scope of Azerbaijan's domestic legislation and that he could continue to serve at St George's Church".

Georgia's Foreign Ministry told Forum 18 that the Azerbaijani authorities had informed them that a previous exemption to the ban on foreign citizens leading religious organisations for the Georgian Orthodox Church had been ended. The Georgian Foreign Ministry added that in response to its request, implementation of this ban had been several times delayed until 1 June. After the expiry of the deadline, Georgia's Foreign Ministry said, the Azerbaijani authorities had demanded that the appropriate documentation be prepared to allow a Georgian priest to conduct services in Azerbaijan under Azerbaijani laws.

Forum 18 is not aware of any Georgian Orthodox priests who are Azerbaijani citizens. Other religious communities in Azerbaijan are led by foreign citizens, including the Catholic community in Baku.

OSCE / Venice Commission 2012 call for removal of bans

A 2012 Organisation for Security and Co-operation in Europe (OSCE) / Council of Europe Venice Commission legal review of Azerbaijan's Religion Law called for the ban in Article 1 on "religious propaganda by foreigners and stateless persons" to be removed. "This prohibition conflicts with international law, which protects non-coercive religious expression (including proselytism, or missionary activity) regardless of a person's nationality," it noted (see <http://www.legislationline.org/documents/id/17635>).

The OSCE/Venice Commission Joint Opinion also called for the requirement in Article 24 for state approval for the exchange of foreign clergy to be removed. "Such restriction cannot be objectively justified and is thus unnecessary in a democratic society," it declared. "It should therefore be repealed." Like most of the other recommendations, these calls were ignored, the government even falsely claiming that the Venice Commission "now considers that the Law .. completely reflects European standards" (see F18News 23 October 2012 http://www.forum18.org/archive.php?article_id=1757). (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/archive.php?article_id=2081.

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 the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan at: http://www.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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