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AZERBAIJAN: Fines, deportations, criminal trials to punish meetings for worship and study

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

Two Turkish citizens arrived in the Azerbaijan capital Baku on 19 September to take part in a meeting of prayer and study ahead of the Muslim festival of Eid al-Adha. That evening police and secret police officers raided the meeting in a home, taking 85 people for questioning and confiscating 3,000 religious books. On 20 September, the two Turks were fined and ordered deported. Five local Sunni Muslims were also fined. Although the court decision had not entered legal force, the Migration Service deported the two Turks on 21 September, their lawyer Asabali Mustafayev complained to Forum 18 News Service. A secret police officer insisted to Forum 18 the meeting had been "illegal", but refused to explain how a meeting for worship in a home could be illegal. Five Jehovah's Witnesses have failed to overturn convictions for meeting for study and worship in a Baku home raided by police in April. And the criminal trial of five Sunni Muslims to punish them for participating in a religious meeting is due to resume for what might be the last session on 5 October. The prosecutor is demanding up to six years' imprisonment for each.

Two Turkish citizens were fined and, on 21 September, deported from Azerbaijan for participating in a meeting of Sunni Muslims to discuss their faith in a Baku home raided by police and National Security Ministry (NSM) secret police. Five local Muslims were fined. An NSM officer insisted to Forum 18 News Service that the meeting had been "illegal", but refused to explain why a meeting to discuss a faith in a private home could be against the law.

The criminal trial of five Sunni Muslims who participated in a meeting for study and worship in the same Baku home, raided by police and the NSM secret police in April 2014, is due to resume on 5 October. This might be the final hearing. The prosecutor is demanding up to six years' imprisonment for each (see below).

Five Jehovah's Witnesses convicted and given official warnings for participating in an April 2015 meeting for worship and study in a Baku home raided by police have failed to overturn their convictions on appeal. Another of those present – a Georgian citizen – had been deported (see below).

A prominent Shia Muslim preacher has twice been detained and questioned in September, eight weeks after completing a prison term. A local police officer absolutely denied the second detention to Forum 18 (see below).

Meanwhile, the State Committee for Work with Religious Organisations – which enacts the state's prior compulsory censorship of all religious literature distributed in or imported into Azerbaijan - summoned publishers and printers to remind them of the need to abide by the censorship rules (see F18News 1 October 2015 http://www.forum18.org/archive.php?article_id=2107).

The woman who answered the phone at the press office of the State Committee put the phone down on 29 September as soon as Forum 18 had introduced itself. When Forum 18 called back, the line had been switched to a fax machine.

Raid on meeting about Islam

Police from Baku's Yasamal District's 29th police station, accompanied by officers of Yasamal District NSM secret police, raided the meeting of Sunni Muslims in a home owned by Mubariz Asadov on the evening of 19 September, the Interior Ministry noted on its website that evening. About 85 people had gathered to learn more about Islam in the run-up to the Muslim festival of Kurban Bayram (Eid al-Adha), drawing on the works of the late Turkish Muslim theologian Said Nursi.

Police had sought a search warrant from Yasamal District Court, which had approved the request on 11 September. "Police must have discovered that two guests from Turkey would be present at the meeting," the lawyer Asabali Mustafayev told Forum 18 from Baku on 29 September. He is due to lodge a challenge over the legality of the search warrant to Baku Appeal Court on 30 September.

During the 19 September raid, officers searched the house and confiscated about 3,000 religious books which the Interior Ministry insisted were "illegal". They took 85 adults in two buses to the local police station for questioning.

The Turkish citizens who were present, Nurullah Sungur - son of the late theologian Mustafa Sungur, who had been an associate of Nursi - and Miktat Senol, had arrived in Baku by plane that morning.

One of the participants Zeka Miragayev told Yeni Musavat website on 22 September about the arrival of police and National Security Ministry officers. "Everyone present there was taken, while books were confiscated. We were put in two buses and taken to Yasamal District Police Station."

Miragayev told the website that officers noted the identity and questioned all of them, asking them when they began to practice "Nursism" (an official designation that regards these Muslims as followers of a specific group).

Eighty of the participants were freed about 3 am on the morning of 20 September, including the two Turkish visitors. The two were told to return to the police in the morning. Five local Muslims were held overnight, their lawyer Mustafayev told Forum 18.

"Illegal" meeting?

The officer who answered the phone of Mutallim Usubov, the NSM head for Baku's Yasamal District, refused to discuss the raid and punishments with Forum 18 on 29 September. All he would say was that it had been an "illegal meeting". But the officer, who said he was not Usubov but refused to give his name, would not explain in what way holding a meeting in a home was illegal. He referred all questions to the police and put the phone down.

The officer who answered the phone of Faiq Huseynov, the head of the 29th Police Station, similarly refused to discuss the raid and punishments. "We have no information," the officer – who would not give his name – told Forum 18 on 29 September. "I have no right to give you any information." Asked if he had been on duty at the station late on 19 September, when the 85 meeting participants had been brought in, he said he had not.

Forum 18 asked if the 3,000 religious books officers had confiscated during the raid were still at the 29th Police Station, the officer said he did not know. He then put the phone down.

The man who answered the phone of Nahid Mammadov, the head of the State Committee's "Expert" Analysis Department, told Forum 18 on 29 September that he knew about the confiscation of the books during the 19 September raid. However, he refused to say where they are or what will happen to them. "Nahid Mammadov is not in the office today – ring when he is here," the official – who would not give his name – told Forum 18 before putting the phone down.

The lawyer Mustafayev said he does not know if the confiscated books are with the police or the NSM secret police. He says he also intends to challenge in court the way the police conducted the raid, including the breaking of a door and the seizure of the books.

Fines, deportations

Administrative cases were prepared against the two Turkish citizens present, Sungur and Senol. They were charged with violating Administrative Code Article 300.0.4. Five local Muslims - Zakariyya Mammadov (who is also on criminal trial - see below), Samir Agayev, Sayavush Bashirov, Fakhraddin Khanlayev and Latif Rahimov - were accused of violating Administrative Code Article 299.0.2.

All the others, 78 people, were given verbal warnings, Interior Ministry spokesperson Ehsan Zahidov told Caucasian Knot news website on 22 September.

Administrative Code Article 300.0.4 punishes "the conduct of religious propaganda by foreigners or stateless persons", with fines for individuals of between 2,000 and 2,500 Manats. (2,000 Manats is the equivalent of 16,200 Norwegian Kroner, 1,700 Euros or 1,900 US Dollars.) Foreign citizens can also be ordered deported.

Administrative Code Article 299.0.2 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 cases were handed to Baku's Yasamal District Court, to where the seven were taken on Sunday 20 September. (The court website does not list Sunday as a court working day.) Judge Sheyda Maharramova found all seven guilty. Sungur and Senol were each fined 2,000 Manats. The Judge also ordered their deportation. The five others were each fined 1,500 Manats.

"The cases against the five were considered one after the other and, after a few minutes' break, the Judge announced the fines all together," Mustafayev noted. "The Turks were fined separately. Although the hearings were supposedly open, no-one could attend Sungur and Senol's trial. But about six supporters managed to enter the court room as the cases against the five were heard."

Forum 18 was unable to reach Judge Maharramova on 29 September. Court officials refused to transfer the call or give any

information on the cases.

Were deportations legal?

After the hearings, Sungur and Senol were handed into the custody of the Migration Service, which held them overnight before their deportation on 21 September. "No-one was allowed to see them at the Migration Service," Mustafayev lamented. "The Migration Service should not have deported them as the court decision has not come into legal force."

All seven Muslims have lodged appeals against their convictions to Baku Appeal Court, their lawyer Mustafayev told Forum 18. None of those ordered fined has yet paid.

"If Sungur and Senol want to come back to Azerbaijan, the fines could be extracted from them," Mustafayev noted. "Or the Azerbaijani authorities could ask Turkey to enforce the fines."

Appeals against warnings fail

Courts routinely impose fines or official warnings on other individuals to punish them for exercising the right to freedom of religion or belief (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

In separate hearings on the afternoon of 6 August, various judges at Baku Appeal Court rejected the appeals against the convictions and official warnings handed to four Jehovah's Witnesses – Rovshan Mursalov, Basti Rasulova, Fatima Balova and Qalina Fazilahmadova - under Administrative Code Article 299.0.2, according to court records. They had all been warned at Baku's Qaradag District Court on 8 July. On 18 August, Judge Qail Mammadov of Baku Appeal Court rejected the appeal by another of the group, Milena Makarenko. She had been warned on 30 July.

The official warnings followed a 9 April police raid on Mursalov's home in Lokbatan on the southern edge of Baku, as he and other Jehovah's Witnesses were exercising the right to freedom of religion or belief by meeting together for worship and study. Police confiscated religious literature. Another attendee, Georgian citizen Goderdzi Kvaratskhelia was deported under Administrative Code Article 300.0.4 (see F18News 5 August 2015 http://www.forum18.org/archive.php?article_id=2086).

Prosecutor demands up to six years' prison

Meanwhile, the criminal trial of five Sunni Muslims detained following a mass police and secret police raid in April 2014 continued at Yasamal District Court on 23 September, with a further hearing on 29 September. It is due to resume on the afternoon of 5 October for what might be the final hearing, their lawyer Mustafayev told Forum 18 after the 29 September hearing.

At the 23 September hearing the Prosecutor demanded that all five of the defendants be arrested in the courtroom and sentenced to prison terms of between two and six years each, Mustafayev noted.

The five - Eldeniz Hajiyev, Ismayil Mammadov, Revan Sabzaliyev, Zakariyya Mammadov and Shahin Hasanov – are on trial to punish them for participating in a study session of the works of the late Turkish theologian Said Nursi in Hajiyev's Baku home in April 2014.

Armed police raided the meeting, detained all those present and confiscated religious literature. Nine participants were fined. Three of the five defendants in the criminal trial - Hajiyev, Ismayil Mammadov and Sabzaliyev - spent up to five months in detention in the NSM secret police Investigation Prison in Baku before being transferred to house arrest in September 2014 (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

All five have been living at their homes under restrictions during the long trial. Their movements are monitored by police. They cannot leave the country and need permission to travel outside Baku.

Hajiyev and Ismayil Mammadov are being prosecuted under Criminal Code Article 167-2.2.1 and Article 168.2. Sabzaliyev is being prosecuted under Criminal Code Article 168.2. Zakariyya Mammadov and Hasanov are being prosecuted under Criminal Code Article 167-2.2.1 and Article 168.1. The Mammadovs are brothers.

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 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Article 167-2.2.1 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.

Shia preacher twice detained

The NSM secret police in Baku summoned Shia Muslim preacher and former prisoner of conscience Taleh Bagirov (also known as Bagirzade) for questioning on 22 September, he told the local media that day. Officers warned him about his statements at religious gatherings in Nardaran, a village near Baku known for local residents' strong Shia affiliation. Bagirov afterwards dismissed any concerns about the "warning" conversation.

Soon afterwards, Bagirov and his family travelled up to the central city of Yevlakh to visit relatives during the Muslim festival of Kurban Bayram (Eid al-Adha). Armed police surrounded the Yevlakh mosque during Friday prayers on 25 September, where Bagirov had been due to preach. When Bagirov came out to talk to them, officers detained him and took him to the town police station, Muslims told Forum 18 from Baku that day.

Officers questioned Bagirov for three hours, telling him that police had received an emergency call claiming that he was about to preach an "anti-state sermon", as he told local media the same day. He was freed after questioning.

The duty officer at Yevlakh police station referred Forum 18 on 29 September to Afqan Qurbanov. He told Forum 18 the same day that "no such incident happened in Yevlakh". Told that local Muslims had complained to Forum 18 and that the incident had been widely covered in the local media, he repeated his claim. Asked whether those who witnessed the officers around the mosque and the detention had been deluded, Qurbanov responded: "Maybe." He then put the phone down.

The 31-year-old Bagirov completed his combined prison term of two years and four months and was freed from Qobustan Prison in the early hours of 31 July. His prison term (his second) was imposed on drugs charges his supporters insist were fabricated to punish him for his religious and political activity (see F18News 11 August 2015 http://www.forum18.org/archive.php?article_id=2088).

In January 2015, while he was still in prison, Bagirov was elected to lead a new group, the Muslim Unity Movement. (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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