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AZERBAIJAN: Five latest freedom of religion or belief prisoners of conscience

By Felix Corley, Forum 18

Azerbaijan's latest prisoners of conscience are five Sunni Muslims jailed for exercising freedom of religion or belief. They were arrested in court on 7 October after their sentences were passed and have been transferred to a Baku prison, a friend of the five men told Forum 18 News Service. 46-year-old Ismayil Mammadov was jailed for 5 years, 5 months; his brother 45-year-old Zakariyya, with 46-year-old Shahin Hasanov, was jailed for 5 years; 41-year-old Eldeniz Hajiyevev was jailed for 4 years, 5 months; and 21-year-old Revan Sabzaliyev was jailed for 1 year, 7 months. Hasanov is the only one of the five prisoners of conscience to be married. Judge Akshin Afandiyev's assistant Seymur (who would not give his last name) confirmed the sentences to Forum 18 today (8 October). He said the written verdicts would be issued today or soon after. The five were arrested after an April 2014 armed police raid on Muslims meeting together to study Islam with the aid of texts by theologian Said Nursi. Their lawyers were prevented from attending the final court hearing. One male Shia Muslim and two female Jehovah's Witness prisoners of conscience are still under investigation in the NSM secret police Investigation Prison for exercising their right to freedom of religion or belief.

Five Sunni Muslim prisoners of conscience have been given long prison terms at the end of a long-running trial in Azerbaijan's capital Baku for participating in a meeting for worship and religious study raided by armed police in April 2014, Forum 18 News Service has learned. Prison terms range from 5 years and 5 months to 1 year and 7 months. The five prisoners of conscience were arrested in the courtroom on 7 October after the sentences were handed down and have already been transferred to a Baku prison, a friend of the group told Forum 18 from Baku.

Late on 7 October Judge Akshin Afandiyev of Baku's Yasamal District Court sentenced 46-year-old Ismayil Mammadov to 5 years 5 months jail; his brother 45-year-old Zakariyya, with 46-year-old Shahin Hasanov, to 5 years in jail; 41-year-old Eldeniz Hajiyevev to 4 years, 5 months in jail; and 21-year-old Revan Sabzaliyev to 1 year 7 months in jail. All denied any wrongdoing and demanded to be acquitted as innocent. All were living under restrictions at home as the trial proceeded. Four of the five prisoners of conscience are unmarried, Hasanov being married.

Due to time in pre-trial National Security Ministry (NSM) secret police detention, Ismayil Mammadov has 4 years, 11 months and 29 days of his sentence to serve, Hajiyevev has 3 years, 11 months and 29 days to serve, and Sabzaliyev has 1 year, 1 month and 29 days to serve.

Judge Afandiyev's assistant Seymur (who would not give his last name) confirmed the sentences on the five prisoners of conscience to Forum 18 on 8 October. He said the written verdicts would be issued that day or soon after.

Guilty of exercising freedom of religion or belief

Prisoners of conscience Hajiyevev and Ismayil Mammadov were convicted under Criminal Code Article 167-2.2.1 and Article 168.2. Prisoner of conscience Sabzaliyev was convicted under Criminal Code Article 168.2. Prisoners of conscience Zakariyya Mammadov and Hasanov were convicted under Criminal Code Article 167-2.2.1 and Article 168.1.

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" (see Forum 18's April 2012 Azerbaijan religious freedom survey at 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 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

No comment, many prisoners of conscience

No official at the State Committee for Work with Religious Organisations in Baku was prepared to comment to Forum 18 on 8 October about the prison terms handed down to punish the five for attending a meeting for worship and religious study.

The jailing of Muslim and Jehovah's Witness prisoners of conscience for their beliefs is part of a widespread government crackdown against people exercising their human rights, including opposition politicians, human rights defenders, and lawyers. Among the imprisoned lawyers is Intigam Aliyev, who was representing Sunni Muslim Zeka Miragayev whose home was raided and religious books confiscated (see F18News 3 June 2015 http://www.forum18.org/archive.php?article_id=1964). In April 2015 Aliyev received a prison sentence of 7 and a half years on charges widely thought to be false.

The most recent prisoners of conscience jailed before today for exercising freedom of religion or belief were five Sunni Muslims jailed for selling religious books and other religious items without state permission. Eyvaz Mammadov was jailed on 11 August for nine months (see F18News 11 August 2015 http://www.forum18.org/archive.php?article_id=2088). Imam Mubariz Qarayev, Salim Qasimov, Azad Qafarov and Habibullah Omarov were jailed for between six and 15 months in early July (see F18News 13 July 2015 http://www.forum18.org/archive.php?article_id=2080). All five prisoners of conscience are connected with the Sunni Lezgin Mosque in Baku's Old City, which the government intends to forcibly close – like many other Sunni mosques it has closed (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

Among the many other prisoners of conscience are human rights defenders Arif and Leyla Yunus, who have both for months been denied by the regime the urgent medical care they need. Arif is an analyst who among other issues studied the role of religion in society. His wife Leyla was before her own jailing as a prisoner of conscience co-responsible for documenting the regime's prisoners of conscience, including those jailed for exercising freedom of religion or belief (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Lawyers prevented from being present

The last day of the trial at Baku's Yasamal District Court was expected to be 5 October. However, court officials phoned to say the final hearing would be held not on 5 but on 7 October, friends of the five prisoners of conscience told Forum 18. None of the four lawyers for the defendants was able to attend that day, as they had other cases.

"We think this was done specially to prevent the lawyers being present," the lawyer for four of the five latest prisoners of conscience, Asabali Mustafayev, told Forum 18 from Baku on 8 October. "I am preparing a complaint about this."

Judge Afandiyev was not available when Forum 18 called on 8 October, according to his assistant Seymour. He said he did not know why the date of the final hearing had been suddenly changed from 5 to 7 October.

About 50 of the prisoners of consciences' friends tried to attend the final hearing. At earlier hearings about 25 were allowed in. However, court officials prevented all but four into the courtroom, citing "technical problems", the men's friends complained to Forum 18. One of those allowed in was Hasanov's adult son. The others had to wait in the court building as the final hearing proceeded.

Judge Afandiyev's assistant Seymour told Forum 18 he did not know why only a small number of people had been allowed into the courtroom for the final hearing.

Official attitudes harshening?

"No-one expected prison terms," the lawyer Mustafayev told Forum 18. "Of course we're going to appeal."

However, he indicated that a 19 September raid on another Sunni Muslim meeting in Baku to study the works of the late Turkish Muslim theologian Said Nursi, and subsequent punishments, might have been a signal that officials had harshened their attitude. He also pointed to comments by a Deputy Chair of the State Committee that Nursi's works are banned in Azerbaijan and that censorship will be harshened (see F18News 1 October 2015 http://www.forum18.org/archive.php?article_id=2107).

Following the 19 September raid, two Turkish visitors were deported, while five local people were fined, among them the now-imprisoned Zakariyya Mammadov (see F18News 29 September 2015 http://www.forum18.org/archive.php?article_id=2106). Many books, including works by Nursi, the Old Testament used by Jews and Christians, and Jehovah's Witness texts are banned under Azerbaijan's censorship regime (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

A friend of the five prisoners of conscience also indicated that attitudes had recently changed. "I attended all the court hearings over nearly a year," the friend told Forum 18 from Baku on 8 October. "All the court hearings were proper and we had no complaints – until a month or two ago, when the attitude of the judge changed."

"These men didn't commit the crimes they were accused of," Sabzaliyev's lawyer Yalchin Imanov told Caucasian Knot news website on 7 October. "Said Nursi's teaching is not banned in Azerbaijan. The accused violated no-one's rights." He said they simply met in a home, discussed religious issues and did not incite anyone to commit any crimes. He said they were punished for their religious faith.

Raid, fines, detentions

The process that led to the jailing of Azerbaijan's five latest prisoners of conscience began with an April 2014 armed police raid on a home in Baku's Yasamal District. Police detained and violently questioned all those present and confiscated religious literature (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948). Also, property was apparently stolen by police (see F18News 28 April 2014 http://www.forum18.org/archive.php?article_id=1952). The NSM secret police beat up at least one Muslim in a bid to gain "evidence" for their case, and nine Muslims including Sabzaliyev who attended the meeting were fined the equivalent of nearly four months' average wages (see F18News 8 May 2014 http://www.forum18.org/archive.php?article_id=1956).

Three of the five prisoners of conscience 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).

Transfer to prison

After Judge Afandiyev delivered his verdict orally in the evening of 7 October, the five men were arrested in the courtroom. Officers then took them out of the court by a back door so that they did not pass through the group of their friends waiting in the court building and took them away in cars to Kurdakhani Investigation Prison in north-eastern Baku. The prison address is:

AZ-1104, Baki shahari

Sabunchu rayonu

Zabrat-2 qasabasi

Baki Istintaq tacridxanasi

Azerbaijan

Lawyer Mustafayev told Forum 18 he would seek permission to visit the prisoners on 9 October.

Three NSM freedom of religion or belief prisoners of conscience

Three other prisoners of conscience – one male Shia Muslim, two female Jehovah's Witnesses - are under investigation in Baku's NSM secret Police Investigation Prison, for exercising their right to freedom of religion or belief.

The 43-year-old imprisoned Shia Muslim prisoner of conscience Jeyhun Jafarov was arrested on 10 March on treason charges for being a translator of Islamic works and making public broadcasts. He has been held at the NSM secret police Investigation Prison in Baku since his arrest. The NSM secret police is investigating him on a charge of treason under Criminal Code Article 274. If tried and convicted, he faces imprisonment of between 12 years and life (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

The 9 July extension to his pre-trial detention means that the NSM secret police can hold Jafarov until 11 November (see F18News 10 July 2015 http://www.forum18.org/archive.php?article_id=2079).

Two female Jehovah's Witness prisoners of conscience, 54-year-old Irina Zakharchenko and 37-year-old Valida Jabrayilova, were arrested in February 2015 to punish them for talking to residents near their homes about their faith in December 2014. They have been held in the prison since their arrests. A Baku court on 4 September 2015 extended their pre-trial detention once more until 17 December, the last time such an extension is allowed (see F18News 9 September 2015 http://www.forum18.org/archive.php?article_id=2098).

"Both women are in significantly worse health and have got thinner, especially Irina," Jehovah's Witnesses told Forum 18 from Baku on 29 September. Zakharchenko has been assessed as being 80 percent disabled because of severe arthritis and a previous injury to her right leg.

The two women 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. The two prisoners of consciences' appeal against their pre-trial detention was rejected on 26 February (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

The case against Zakharchenko and Jabrayilova is led by NSM secret police investigator Metleb Mehtiyev.

Conditions in the NSM Investigation Prison are known to be harsh and Azerbaijan has refused to allow publication of a United Nations Subcommittee on Prevention of Torture (SPT) report on a visit in late April 2015 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

The NSM Investigation Prison where Jafarov, Zakharchenko and Jabrayilova are being held is located on the upper floor of the main NSM secret police building in Baku. The prison address is:

Milli Tahlükasizlik Nazirliyinin

Istintaq Tacridxanasi

Parlament Prospekti 14

Baku AZ-1006

Azerbaijan (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>.

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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