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AZERBAIJAN: Police torture one Muslim, 10 more short-term prisoners of conscience

By Felix Corley, Forum 18

Police in Azerbaijan's capital Baku detained and tortured Shia Muslim theologian and former prisoner of conscience Imam Taleh Bagirov, head of the Muslim Unity Movement, when he began to pray in the police station, Forum 18 News Service has learned. Two days later, police elsewhere in Baku imprisoned his deputy Elchin Qasimov (also known as Qasimli), imam of Hazrat Abbas Mosque, and a colleague. Eight Muslims who demonstrated outside the Baku police station where Qasimov was initially held were also arrested. A total of 10 prisoners of conscience, including Qasimov, were given prison terms of up to one month. The torture of Imam Bagirov was just a week before the 11 and 12 November consideration of Azerbaijan's record under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) at the UN Committee Against Torture. And the State Committee for Work with Religious Organisations is preparing Religion Law changes banning religious leaders without state approval from leading religious meetings for worship, as well as street religious ceremonies.

Police in Azerbaijan's capital Baku detained and tortured Shia Muslim theologian and former prisoner of conscience Imam Taleh Bagirov, head of the Muslim Unity Movement, when he began to pray in the police station, Forum 18 News Service has learned. Two days later, police elsewhere in Baku imprisoned his deputy Elchin Qasimov (also known as Qasimli), imam of Hazrat Abbas Mosque, and a colleague. Eight Muslims who demonstrated outside the Baku police station where Qasimov was initially held were also arrested. A total of 10, including Qasimov, were given prison terms of up to one month.

The 10 prisoners of conscience are serving their sentences at the police detention centre in Bilajari in Baku's Binagadi District.

The torture of Imam Bagirov and imprisonment of his 10 fellow Muslims come as the State Committee for Work with Religious Organisations is preparing yet more amendments to the Religion Law to ban religious leaders without state approval from leading religious meetings for worship, as well as religious ceremonies in the street (see below).

No torture in Azerbaijan?

The torture of Imam Bagirov (also known as Bagirzade) at Baku's Yasamal District Police Station on 3 November was just a week before the 11 and 12 November consideration of Azerbaijan's record on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) at the United Nations Committee Against Torture in Geneva.

"No acts of torture or cruel, inhuman or degrading treatment or punishment of detainees by police officers were recorded during the period 2010–2013," the government report to the UN Committee Against Torture (CAT/C/AZE/4), submitted in November 2014, claimed.

This claim is contradicted by evidence documented by Human Rights Watch . This includes the torture of prisoner of conscience Leyla Yunus who is seriously ill and is being denied medical treatment. She, with other local human rights defenders, compiled a list of Azerbaijan's prisoners of conscience including those jailed for exercising freedom of religion or belief.

Physical and mental torture, as defined under the CAT, has often been experienced by people in religious meetings the authorities raid, who the authorities want to extract "evidence" from, or who are detained and jailed for exercising freedom of religion or belief. Azerbaijan has grave international obligations under the CAT, including to arrest, try under criminal law and if found guilty severely punish officials guilty of torture (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Domestic law also criminalises the torture Azerbaijan's officials often inflict. A note to Criminal Code Article 293, added in June 2012, defines torture as including "severe pain or suffering, whether physical or mental, intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind".

However, despite its international obligations, Azerbaijan has a record of non-cooperation with both the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the UN Subcommittee on Prevention of Torture (SPT) (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

No one at the State Committee was prepared to discuss the arrests, torture and imprisonments with Forum 18 on 12 November. As soon as Forum 18 had put its question to Yagut Aliyeva, spokesperson for the State Committee, she put the phone down. Called back, the line had been switched to a fax machine.

Many prisoners of conscience

Azerbaijan has imprisoned many prisoners of conscience to punish them for exercising the right to freedom of religion or belief. Most recently, five Sunni Muslims were imprisoned on 7 October by a Baku court for up to 5 years 5 months for participating in a meeting for worship and religious study raided by armed police in April 2014 (see F18News 8 October 2015 http://www.forum18.org/archive.php?article_id=2109).

Others remain in pre-trial detention for exercising their right to freedom of religion or belief. In February the National Security Ministry (NSM) secret police arrested two female Jehovah's Witnesses - 55-year-old disabled widow Irina Zakharchenko and 38-year-old Valida Jabrayilova. They have been held ever since amid growing concerns among Jehovah's Witnesses for their welfare. Also held with them in NSM detention is 43-year-old imprisoned Shia Muslim prisoner of conscience Jeyhun Jafarov. He was arrested on 10 March on treason charges for being a translator of Islamic works and making public broadcasts. If tried and convicted, he faces imprisonment of between 12 years and life (see F18News 8 October 2015 http://www.forum18.org/archive.php?article_id=2109).

Jehovah's Witness Zakharchenko's lawyer twice wrote to the NSM secret police asking for her to be transferred urgently to hospital. The NSM finally agreed on 26 October and she was transferred the same day (see F18News 19 November 2015 http://www.forum18.org/archive.php?article_id=2123).

"No official permission to carry out religious rites in places of worship"

In a 6 November statement on its website, Sayavush Haydarov, a deputy head of the State Committee for Work with Religious Organisations, attacked the Muslim Unity Movement, claiming they had no right to lead or conduct religious activity.

"It should be noted that Elchin Qasimov and others are not members of the clergy and their religious communities have not applied to the Caucasian Muslim Board and the State Committee for Work with Religious Organisations," Haydarov warned. "They have no official permission to carry out religious rites in places of worship. However, under the guise of performing religious rites, they repeatedly attempted to disrupt public order." He said they had already been given official warnings.

Haydarov's colleagues told Forum 18 he was not available or not in the office each time it rang on 12 November.

The Muslim Unity Movement was established on 13 January, with Imam Bagirov, who is now 31, chosen as its leader. At the time he was still serving his second prison term on drugs-related charges his supporters insist were fabricated to punish him for exercising the right to freedom of religion or belief. He was freed in the early hours of 31 July after completing his sentence (see F18News 11 August 2015 http://www.forum18.org/archive.php?article_id=2088).

While jailed Imam Bagirov was latterly held in Qobustan Prison, where torture has been documented (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

The Muslim Unity Movement lodged an application to gain state registration as a non-governmental organisation (NGO), but the Justice Ministry denied this, despite the Movement's repeated "corrections" to its application, Imam Bagirov told Radio Free Europe's Azerbaijani Service on 9 November. NGOs whose activity is linked with religion or belief in some way have long been denied registration, as have many religious or belief communities (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Torture at police station

Police summoned Imam Bagirov from his Baku office to the city's Yasamal District Police Station on 3 November. There the district police chief Isfandiyar Mehbaliyev "crudely" demanded that he write a statement explaining why he was gathering people together and planning to hold a procession, Bagirov wrote that evening on his Facebook page.

He responded that he had not organised a procession, but was merely responding to requests from his fellow-Muslims to visit the grave of army officer Mubariz Ibrahimov, who was killed in June 2010 after attacking an Armenian position on the frontline

between the two sides.

As the questioning of Imam Bagirov continued and time for the namaz prayers approached, he asked Mehbaliyev to be allowed to leave the police station. Mehbaliyev refused, so Bagirov began to pray in the police station. Angered by this, Mehbaliyev and other officers began to torture him by hitting him, injuring him particularly on the face and jaw.

An officer of Yasamal District Police – who did not give his name - refused to discuss the summoning and torture of Imam Bagirov with Forum 18 on 12 November. He refused to put Forum 18 through to police chief Mehbaliyev.

New arrests

Late on 5 November, after he had finished praying the namaz, Baku's Sabunchu District Police arrested Imam Qasimov in the village of Mashtaga, where he leads prayers in the Hazrat Abbas Mosque. They took him to the District Police Station, located in the village of Bakikhanov. Arrested with him was Sahib Habibov. Police are said to have objected to a sermon Qasimov gave protesting about the police torture of Imam Bagirov two days earlier.

Angered by his arrest, about 60 of Imam Qasimov's fellow-Muslims gathered that evening in front of Sabunchu District Police Station where he was being held. They called for his immediate release.

Police blocked off roads around the Police Station and brought in special units to force the crowd to disperse. Police arrested up to 20 Muslims, local news agencies noted. Late in the evening, Baku's chief of police, Mirqafar Seyidov, arrived.

Imam Bagirov too condemned Imam Qasimov's arrest. "The authorities must answer for any violence against Elchin Qasimov," he wrote on his Facebook page that evening. "We insist on his immediate release." Bagirov added that those arrested had been subjected to torture at Sabunchu District Police Station and that blood had been seen on the floor there. He maintained that the deputy head of Baku Police, Major General Sahlab Bagirov, "is handling the believers harshly".

No one at Sabunchu District Police Station was prepared to explain why the Muslims were arrested either at the mosque or outside the Police Station. The duty officer refused to put Forum 18 through to anyone on 12 November. The man who answered the phone of deputy District police chief Sadi Ismayilov the same day would say only that "I was not on duty that day". Asked if those arrested had been tortured at the Police Station, he responded: "Of course not." He then added: "I can't talk to you. Goodbye."

"Unapproved demonstration"

In a joint statement the following day, the Interior Ministry and the Prosecutor General's Office accused the Muslims of holding an "unapproved demonstration" to call for Imam Qasimov and Habibov's release. It said two police officers had been injured by stones thrown by members of the crowd. It warned of "decisive action" against any future attempts at "destabilisation of the country".

Imam Qasimov's lawyer Javad Javadov went to Sabunchu District Police Station to meet his client on 6 November. However, Javadov said, he was denied a meeting despite having a valid lawyer's warrant.

Up to 30-day prison terms

On 6 November, without waiting for his lawyer Javadov to arrive, Judge Anar Qasimov (no relation) of Sabunchu District Court found Imam Qasimov guilty under Administrative Code Article 310.1. This punishes "wilful refusal to obey the lawful demand of a law-enforcement officer" with a fine of 200 Manats (1,700 Norwegian Kroner, 180 Euros, or 190 US Dollars) or up to one month's imprisonment. The court handed him the maximum 30-day prison term, Javadov noted.

After the hearing, when he was able to meet his client, Imam Qasimov told his lawyer he was innocent of the accusations.

Also sentenced to 30-days was Habibov, arrested with Imam Qasimov on the evening of 5 November.

At other hearings at Sabunchu District Court under various judges the same day, eight further supporters of the Muslim Unity Movement were convicted and imprisoned, according to the Interior Ministry and Prosecutor General's Office statement. It said the court sentenced them to between 10 days and one month's imprisonment under Administrative Code Article 310, as well as Article 298 ("Violation of the procedure for organising and holding demonstrations and meetings").

The Court gave Anar Aliyev and Agaali Yahyayev 30-day prison terms each. The Court gave Elkhan Isganderov, Sahil Rzayev, Teymur Osmanov and Elvin Bunyatov 15-day prison terms each. The Court gave Niftali Valiyev a 20-day prison term. The Court gave Latif Ahmadov a 10-day prison term.

"The trials were all held separately under nine different judges," the President of Sabunchu District Court Judge Ilqar Abbasov told Forum 18 on 12 November. "The police brought in the detainees in the morning, the trials took place and they were taken off the

same day to the police detention centre in Bilajari in Binagadi District. The sentences run from the moment of arrest, which in their case was the evening of 5 November." He said none of the 10 prisoners of conscience had yet appealed against their sentences.

Judge Abbasov said that the lawyer Javadov arrived at court after Imam Qasimov's trial had already finished. "Qasimov didn't tell Judge Qasimov that Javadov was representing him, so how was the judge to know this? I looked into this."

Did police torture 10 detainees?

While Imam Bagirov complained that the 10 men arrested on 5 November had been harshly treated at Sabunchu District Police Station, officers there refused to discuss this with Forum 18.

Judge Abbasov of Sabunchu District Court said he had not seen the 10 detainees when they were at the court on 6 November. But he insisted that none had complained of having been tortured during their trials. "If someone tells a judge during a hearing that police have beaten them, the judge would tell me as President of the Court," Abbasov told Forum 18. "Testimony and proof would then be sought and the judge would write to the Prosecutor's Office."

While claiming that allegations of torture are taken seriously, Judge Abbasov conceded that individuals might be afraid of complaining of police torture for fear of making their situation worse.

New state controls on religious leaders in preparation

The State Committee has prepared new draft amendments to the Religion Law to allow only "official clergy" to lead meetings for worship at places of worship, Mubariz Qurbanli, the head of the State Committee, told the Azeri Press Agency (APA) on 3 November. He said the draft amendments would be presented to the Cabinet of Ministers, but gave no timetable.

The 2009 Religion Law already banned all meetings for worship without state permission and in locations which have not been approved by the state. In special restrictions which are not applied to other faiths, Muslim religious communities must be part of the state-backed Caucasian Muslim Board. Muslim leaders must be Azerbaijani citizens who have been educated within Azerbaijan.

Since the latest Religion Law was adopted in 2009, it has been repeatedly changed to make its provisions even more restrictive (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

State Committee head Qurbanli also insisted in his APA interview that Muslims had "misused" religious flags at Ashura commemorations and their use would be banned in future years. "At the same time we, together with religious leaders, will in future be proposing not to allow any religious ceremonies on the street."

Qurbanli was reacting to local Muslims' response to the local administration-ordered closure of mosques in Azerbaijan's second city Gyanja [Gəncə] on 23 October, the day before Ashura. Many Muslims were detained but no punishments appear to have followed (see F18News 28 October 2015 http://www.forum18.org/archive.php?article_id=2114). (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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY