

9 December 2015

AZERBAIJAN: Women's criminal trial to start after 10 months' imprisonment

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

The preliminary hearing in the criminal trial of Jehovah's Witnesses Irina Zakharchenko and Valida Jabrayilova is due tomorrow (10 December) under Judge Akbar Qahramanov at Baku's Pirallahi District Court, court officials told Forum 18 News Service. The secret police imprisoned the two women in February for offering religious literature to others without state permission and they face between two and five years' imprisonment each if convicted. The United Nations has asked Azerbaijan for Zakharchenko – who is in deteriorating health – to be immediately transferred from custody to house arrest, Jehovah's Witnesses told Forum 18. The cases come amid a massive state crackdown on the Muslim Unity Movement, with its leader Imam Taleh Bagirov and dozens of other Shia Muslims under arrest facing criminal prosecution. Arrested on 7 December was Nuhbala Rahimov, imam of the Rahima Hanum shrine at Nardaran. New legal restrictions have been adopted.

After nearly ten months' imprisonment by the National Security Ministry (NSM) secret police, the preliminary hearing in the criminal trial of two female Jehovah's Witnesses is due tomorrow (10 December) at a court in Azerbaijan's capital Baku, court officials told Forum 18 News Service. Irina Zakharchenko, a 55-year-old disabled widow who is in poor health, and 38-year-old Valida Jabrayilova face imprisonment of between two and five years if convicted of offering religious literature to others without state permission. The two women are expected to attend the hearing, a court official added. "They haven't rung from the prison to say otherwise."

On 3 December the United Nations (UN) Human Rights Committee wrote to the Azerbaijani government asking for interim measures over Zakharchenko, who was transferred from prison to hospital in deteriorating health on 26 October. The Committee called on the Azerbaijani authorities to transfer her immediately to "house arrest or other adequate alternative", Jehovah's Witnesses told Forum 18.

Applications on behalf of both women have also been lodged with the UN Working Group on Arbitrary Detention, Jehovah's Witnesses added.

Despite Zakharchenko's poor health, in late November the authorities signalled their intention to return her from hospital to the NSM secret police Investigation Prison. She was then transferred back to the prison. However, on 4 December, both women were transferred to the Investigation Prison in Kurdakhani in north-eastern Baku, Jehovah's Witnesses told Forum 18.

The prison address is:

AZ-1104, Baki shahari

Sabunchu rayonu

Zabrat-2 qasabasi

Baki Istintaq tacridxanasi

Azerbaijan

Massive clampdown

The criminal trial of the two Jehovah's Witnesses comes at the same time as a massive clampdown on members and supporters of the Muslim Unity Movement, led by Shia Muslim Imam Taleh Bagirov (also known as Bagirzade). Police shot dead five residents of the village of Nardaran as they arrested Bagirov and other alleged supporters of the Movement on 26 November. Dozens of others were arrested then and subsequently (see below).

On 7 December, police arrested Nuhbala Rahimov, the imam of the Rahima Hanum shrine at Nardaran, Turan news agency noted. Trend news agency said on 9 December that Baku's Sabunchu District Court had that day ordered he be held in 12 days' pre-trial detention.

On 5 December, just ten days after the police assault on Nardaran, President Ilham Aliyev signed into law legal amendments restricting still further the rights to freedom of religion or belief. The amendments had been hurriedly drafted and rushed through parliament, the Milli Majlis. Parliament is already considering a new Administrative Code proposed by President Aliyev which, if adopted, will come into force on 1 January 2016. The Administrative Code already includes Articles prescribing heavy penalties for exercising the right to freedom of religion or belief as well as other human rights (see F18News 16 December 2015 http://www.forum18.org/archive.php?article_id=2134).

Even before these latest amendments, Azerbaijan already had the harshest restrictions on the right to freedom of religion or belief in the Council of Europe. Many provisions of the Religion Law, Criminal Code and Administrative Code violate the country's international human rights commitments (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Even before the 26 November assault on Muslims who follow the Muslim Unity Movement, Azerbaijan already had 20 prisoners of conscience held for exercising the right to freedom of religion or belief (see F18News 19 November 2015 http://www.forum18.org/archive.php?article_id=2123).

Criminal trial due to begin

The preliminary hearing in the trial of Jehovah's Witnesses Zakharchenko and Jabrayilova is due to begin at 12.15 on 10 December at Baku's Pirallahi District Court, court officials told Forum 18 on 9 December. Presiding at the hearing will be the Court's only Judge, Akbar Qahramanov. As Pirallahi District Court does not have its own building, it is located on the second floor of Khazar District Court.

Told that Zakharchenko is very ill and might not be able to get up the stairs to the second floor (the court building has no lift), a court official responded: "If she's not able to reach the second floor, we have a room on the ground floor where the hearing could take place."

The women were imprisoned by the NSM secret police on 17 February, the same day a criminal case was opened against them to punish them for talking to residents near their homes in Baku about their faith in December 2014. NSM secret police investigator Metleb Mehtiyev prepared the criminal case against them.

Officials of Pirallahi District Prosecutor's Office told Forum 18 on 9 December that they have not been involved in the case.

Zakharchenko and Jabrayilova are being tried 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).

Azerbaijan's tight religious censorship bans the publication, import or distribution of uncensored religious literature. It also bans free distribution of religious literature, with heavy administrative and criminal penalties (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Still being held in the NSM secret police Investigation Prison is Shia Muslim 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).

The address of the NSM secret police Investigation Prison is:

Milli Tahlükəsizlik Nazirliyinin

Istintaq Tacridxanası

Parlament Prospekti 14

Baku AZ-1006

Azerbaijan

Criminal cases being prepared

Following the 26 November arrest of Imam Bagirov in the village of Nardaran near Baku, a Baku court ordered that he be held in four months' pre-trial detention, local media noted. On 2 December, Judge Aflatun Qasimov at Baku Appeal Court rejected Bagirov's appeal against the pre-trial detention order.

On 30 November, the same court had rejected the appeal against his 30-day jail term by Bagirov's deputy Imam Elchin Qasimov (also known as Qasimli). He was arrested on 5 November to punish him for criticising the police torture of Bagirov two days earlier (see F18News 12 November 2015 http://www.forum18.org/archive.php?article_id=2120).

Both Bagirov and Qasimov, along with many other Shia Muslims arrested on and since 26 November, face serious criminal charges on a range of alleged offences with punishments of up to life imprisonment.

Six supporters of the Muslim Unity Movement were arrested in Azerbaijan's second city Gyanja [Gäncä] on 30 November, according to a joint statement by the Interior Ministry, NSM secret police and the General Prosecutor's Office. It claimed that an automatic weapon, another gun, ammunition, 12 grenades and religious literature were seized from them.

The 30 November Gyanja arrests came two weeks after another Shia Muslim theologian, Vugar Iskandarov, was arrested in the city. The city's Nizami District Court then handed down a 20-day administrative prison term, the Devamm Muslim rights group noted on 18 November.

"We don't know the exact charges, but officials usually use the standard accusation of 'failure to submit to the police'," Devamm's head, Ilgar Ibrahimoglu, told Forum 18 from Baku on 2 December. "We know Haji Vugar as a law-abiding and educated citizen, and according to our information he did nothing in violation of the law."

Criminal prosecutions sent back because no written verdict

Meanwhile, on 1 December Judge Qail Mammadov of Baku Appeal Court sent back to Yasamal District Court the cases of five imprisoned Sunni Muslims as the lower court judge had failed to provide written verdicts.

The five - Ismayil Mammadov, his brother Zakariyya, Shahin Hasanov, Eldeniz Hajiyev and Revan Sabzaliyev – had been punished with prison terms of between 1 year, 7 months and 5 years, 5 months for attending an April 2014 meeting to study their faith with the aid of the works of the late Turkish Muslim theologian Said Nursi which was broken up in an armed police raid (see F18News 19 November 2015 http://www.forum18.org/archive.php?article_id=2123).

"The whole hearing was over in just a few minutes," the men's lawyer Asabali Mustafayev told Forum 18 from Baku on 9 December. "Judge Mammadov had to send the cases back to Yasamal District Court as the judge had failed to give the defendants copies of the written verdict he handed down on 7 October." He said the five prisoners were present in court.

Mustafayev had tried to challenge the decision to hold the five men in prison and also called for the Yasamal District Court Judge Akshin Afandiyev to be severely reprimanded. However, Judge Mammadov said he was unable to deal with those requests at that hearing.

"Only today was I able to have access to the 7 October written verdict and the record of the trial," Mustafayev added. He said he can now prepare new appeals which he will submit to Baku Appeal Court.

Forum 18 was unable to reach Judge Afandiyev on 9 December to find out why he had failed to issue the written verdicts earlier.

Ismayil Mammadov, his brother Zakariyya, Hasanov, Hajiyev and Sabzaliyev are all being held at the Investigation Prison in Kurdakhani (where Zakharchenko and Jabrayilova are imprisoned). "I visit them there every week, and they are OK," Mustafayev told Forum 18. "They are able to have some religious books, but they are not allowed to have books by Nursi." (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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