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AZERBAIJAN: Regime jails Muslims, doesn't arrest torturers

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

Eighteen people accused of association with the Muslim Unity Movement have been given long jail terms on fabricated charges. Other trials are continuing. Despite Azerbaijan's binding international human rights obligations, no officials have been arrested or put on criminal trial for torturing those convicted.

On 25 January the Serious Crimes Court in Azerbaijan's capital Baku sentenced Imam Taleh Bagirov, the leader of the Muslim Unity Movement, and a deputy leader Abbas Huseynov, to 20 years each in prison. Judge Aliovsat Abasov also sentenced 16 others to long prison terms. All have already spent more than a year in prison.

The charges – which the accused strongly disputed - included terrorism, an attempt to seize power violently, illegal firearms possession, and murder.

Local human rights defenders, including former prisoner of conscience Khadija Ismayilova, have stated that there is no evidence for these charges. "These people didn't commit any violence," she told Forum 18 in June 2016. "The government sees them as a threat because they are popular and they are not controlled by the government" (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2190).

The regime has frequently used charges of alleged possession of drugs and weapons to jail prisoners of conscience for exercising their freedom of religion or belief and other rights (see eg. F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

Of the 18 convicted, one of them prominent opposition politician Fuad Qahramanli, 17 told the court that they had been tortured after their arrests to extract confessions and "testimony" against others. Despite Azerbaijan's binding international human rights obligations, no officials have been arrested or put on criminal trial for torturing people (see below).

Two other trials are continuing against those the authorities accuse of being associated with the Muslim Unity Movement. Just days before the verdicts on the 18 were announced in Baku, one journalist human rights defender and a Muslim Unity Party activist were arrested and jailed, for 30 days and 10 days respectively (see below).

Convictions

Those convicted were:

- 1.) Taleh Kamil oglu Bagirov (also known as Bagirzade), 20 years' imprisonment (first 7 years in Qobustan strict regime prison)
- 2.) Abbas Mammadbagir oglu Huseynov, 20 years' imprisonment (first 7 years in Qobustan strict regime prison)

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated in 2008 that prisoners in Qobustan Prison are tortured. The CPT also witnessed the authorities attempting to stop prisoners complaining (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

- 3.) Jabbar Amirkhan oglu Jabbarov, 19 years' imprisonment
- 4.) Rasim Mirzabala oglu Jabrayilov, 17 years' imprisonment
- 5.) Shamil Adil oglu Abdulaliyev, 14.5 years' imprisonment
- 6.) Bahruz Rahib oglu Askarov, 14.5 years' imprisonment
- 7.) Jahad Balahuseyn oglu Balakishiyev, 14.5 years' imprisonment

- 8.) Farhad Nasreddin oglu Balayev, 14.5 years' imprisonment
- 9.) Etibar Rasim oglu Ismayilov, 14.5 years' imprisonment
- 10.) Ibrahim Mamed oglu Khudaverdiyev, 14.5 years' imprisonment
- 11.) Zakir Tapdiq oglu Mustafayev, 14.5 years' imprisonment
- 12.) Ali Hazrat oglu Nuriyev, 14.5 years' imprisonment
- 13.) Abbas Abdulrahman oglu Quliyev, 14.5 years' imprisonment
- 14.) Abbas Hafiz oglu Tagizada, 14.5 years' imprisonment
- 15.) Javad Alibala oglu Valiyev, 14.5 years' imprisonment
- 16.) Fuad Ali oglu Qahramanli, 10 years' imprisonment Gahramanli
- 17.) Ramin Maharram oglu Yariyev, 10 years' imprisonment
- 18.) Aqil Azer oglu Ismayilov, 10 years' imprisonment

All – except for opposition politician Qahramanli – were arrested on 26 November 2015 during a police raid on Muslims praying in Nardaran which left seven people dead. The village north of Baku is known as a stronghold of Shia Islam (see below).

Police arrested Qahramanli – the Deputy Head of the opposition Popular Front party – on 8 December 2015. He published a Facebook commentary denouncing the assault on Nardaran. He suggested that the government among other motives intended to persuade the international community that it was countering alleged "terrorism" and so justify the continuance of the dictatorship. The commentary noted that "such inhuman behaviour" as the raid encourages violence, and called for Nardaran's villagers and those detained to be given their full legal rights (see F18News 5 August 2016 http://www.forum18.org/archive.php?article_id=2205).

Background

The trial follows a 26 November 2015 raid while Muslims were praying in the village of Nardaran. During the raid, at least seven people were killed - five men in the village and two police officers – with others in the village being wounded. More than a dozen Muslim Unity Movement members – including leader former prisoner of conscience and then-recently tortured Imam Taleh Bagirov – were detained. Others were also detained later elsewhere in Azerbaijan.

Immediately after the raid, Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, told Forum 18 that "they've done wrong things – they violated established rules". But he struggled to explain what rules they had broken. Asked if the Muslim Unity Movement had killed or proposed killing anyone, he replied "No" (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

On 1 November 2013 Imam Bagirov was sentenced to his second prison term as a prisoner of conscience, on apparently fabricated drugs-related charges. As well as politically opposing the regime, Bagirov and other Muslims had opposed the Caucasian Muslim Board's attempt to impose an imam on Mastaga's Hazrat Abulfaz Aga Mosque. Among other topics in his sermons, he strongly opposed the authorities attempts to impose total control of Muslims exercising the right to freedom of religion or belief (see F18News 7 November 2013 http://www.forum18.org/archive.php?article_id=1894).

In January 2015, while Imam Bagirov was in jail, a group of Shia Muslims founded the Muslim Unity Movement with Bagirov chosen to be its leader. He was freed in July 2015 (see F18News 11 August 2015 http://www.forum18.org/archive.php?article_id=2088).

The authorities quickly began to try to suppress the new Movement, which has both religious and political goals and aims to unify the Islamic and secular opposition to the regime of President Ilham Aliyev.

Shortly before the Nardaran raid, on 3 November 2015 police detained and tortured Imam Bagirov when he began to pray in a police station. Two days later, police elsewhere in Baku imprisoned his deputy Elchin Qasimov (also known as Qasimli), imam of Mastaga's 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 United Nations (UN) Committee Against Torture (see F18News 12 November 2015 http://forum18.org/archive.php?article_id=2120).

Mosques closed, imams imprisoned

Following the November 2015 assault, officials closed at least four mosques in Nardaran, claiming that as they do not have state registration it is illegal for them to host prayers. Officials said some could reopen, but only after they submitted to the state-backed Caucasian Muslim Board and gained the compulsory state registration (see F18News 26 January 2016 http://www.forum18.org/archive.php?article_id=2142).

Two of Nardaran's Imams - Nuhbala Rahimov of the Rahima Hanum Mosque, and Atamali Nur, prayer leader of the Juma (Friday) Mosque – were imprisoned in early December 2015. A Baku court handed Nur a 30-day prison term (see F18News 27 January 2016 http://www.forum18.org/archive.php?article_id=2143). Imam Rahimov was given an 18-month prison term on 27 May 2016, apparently without a trial (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2190).

On 6 September 2016, the State Committee for Work with Religious Organisations presented a new registration certificate to a Shia Muslim "community" for Nardaran's Rahima Hanum Mosque. It appears the state created the community to replace the previous community. The State Committee had already decided that only one mosque community will be allowed to exist in Nardaran, with all mosques there being subject to it. The legal basis for such a demand is unclear (see F18News 20 September 2016 http://www.forum18.org/archive.php?article_id=2216).

Apart from Rahima Hanum Mosque, no other religious communities in Nardaran are listed on the State Committee website as having state registration as of 8 February 2017.

Against Azerbaijan's international human rights obligations, no religious or belief community is allowed to exist without state permission. Also against international human rights law, the regime forces all mosques to be controlled by the Caucasian Muslim Board (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Torture

Seventeen of the 18 defendants testified in court that they were tortured by the Interior Ministry's Main Directorate for the Struggle with Organised Crime in Baku, and by police. Among the testimonies of torture, Imam Bagirov stated: "It is one thing to beat or put an electric current through a person, but we are speaking here of horrific tortures" (see F18News 5 August 2016 http://www.forum18.org/archive.php?article_id=2205).

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Azerbaijan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has strongly criticised Azerbaijan's record (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

No officials were arrested or tried for torturing the prisoners of conscience when they testified to being tortured. Instead, officials denied that torture happened (see F18News 5 August 2016 http://www.forum18.org/archive.php?article_id=2205).

The UN Working Group on Arbitrary Detention and the UN Committee Against Torture have both also condemned the government's record (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2190).

No arrests for tortured

Forum 18 tried to find out whether Azerbaijan had carried out its binding international legal obligations, by arresting and opening criminal cases against any officers of the Interior Ministry's Main Directorate for the Struggle with Organised Crime suspected of torture.

The duty officer at the Main Directorate in Baku replied on 9 February "I have no information on that." He then put the phone down.

The assistant to the General Prosecutor, Zakir Qaralov, declined to put Forum 18 through to him on 9 February and added that "we don't have this information". She directed Forum 18 to the General Prosecutor's Office International Department. The official who answered the phone the same day listened to Forum 18's questions and then put the phone down. Subsequent calls went unanswered.

The assistant to Baku City Prosecutor Aziz Seyidov claimed to Forum 18 on 9 February that he was not in the office. She directed Forum 18 to the City Prosecutor's Office spokesperson Gunel Akberova. Reached the same day, she asked for the questions in writing, which Forum 18 sent mid-afternoon in Baku on 9 February. Forum 18 had received no response by the end of the working day in Baku.

Jafar Jafarov, head of the Investigation Department at Baku City Prosecutor's Office, refused to give any information. "We don't give out such information," he told Forum 18 on 9 February before putting the phone down.

Nardaran case No. 2

A second criminal trial – widely described as Nardaran case No. 2 - is also underway. The trial began under Judge Mayil Bayramov at Baku's Serious Crimes Court with a preliminary hearing on 20 December 2016. A deputy chair of the Muslim Unity Movement, Elchin Qasimov (also known as Qasimli), imam of Mastaga's Hazrat Abbas Mosque, and 11 others are facing a wide range of similar criminal charges. They all reject the accusations.

Imam Qasimov is one of the many who have been tortured by the regime in the course of his trial (see F18News 29 July 2016 http://forum18.org/archive.php?article_id=2203).

Qasimov was arrested after protesting against the torture of Imam Bagirov. The state-controlled Caucasian Muslim Board claimed in a statement that: "Elchin Qasimli 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" (see F18News 12 November 2015 http://forum18.org/archive.php?article_id=2120).

Nardaran case No. 3

A third criminal trial – widely described as Nardaran case No. 3 - is also underway. The trial began under Judge Zeynal Agayev at Baku's Serious Crimes Court with a preliminary hearing on 19 January. Theologian Zulfuqar Mikayilzade (also known as Mikayilov) and 10 others are facing charges of trying to overturn the constitutional order, terrorism and other serious crimes, and has been detained since the Nardaran raid (see F18News 27 April 2016 http://www.forum18.org/archive.php?article_id=2173).

Mikayilzade has previously been fined after an April 2014 police raid on his home, where he was teaching Islam to two groups of men and women without state permission (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948).

On the day of the Nardaran raid, a General Prosecutor's Office statement claimed that the Muslim Unity Movement was planning "a violent change to the constitutional system of government" to establish "a religious state governed by Sharia law". It claimed that the "armed criminal group" stockpiled ammunition and explosives. Theologian Mikayilzade, Imam Bagirov, Abulfaz Bunyatov, and Elman Agayev (also known as Agazade) were identified as the creators of the "illegal" movement (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

Agayev, who is also being tried in this case, has also been tortured. He too is accused of a wide range of serious crimes including terrorism and plotting to seize power. He vehemently denies the charges, and his lawyer thinks that "the authorities intend to use the convictions from the Bagirov trial in the next court case" (see F18News 5 August 2016 http://www.forum18.org/archive.php?article_id=2205).

Nardaran elders on trial

The trial of two of Nardaran's elders (an honorific village title) began at Baku's Serious Crimes Court under Judge Ahmad Quliyev with a preliminary hearing on 17 January. Natiq Karimov and Inqilab Ahmadov are facing charges of treason for Iran.

After the Nardaran raid, Karimov protested when the regime refused in December 2015 to allow Shia Muslim commemorations in the village (see F18News 18 December 2015 http://www.forum18.org/archive.php?article_id=2135). On 6 January 2016 the State Security Service (SSS) secret police arrested him for treason (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2135).

Journalist's one-month imprisonment, activist's 10-day imprisonment

Journalist Rovshan Mammadli was arrested in Baku on 23 January accused of swearing at police. The following day, Yasamal District Court sentenced him to 30 days' imprisonment. The lawyer Elchin Sadygov told Caucasian Knot news agency on 25 January that police had fabricated the case against Mammadli and that he was punished for writing about the torture of the defendants in the Nardaran trial and publishing an interview with Bagirov portraying him in a favourable light.

Sadygov complained that Mammadli had not been able to inform his family of his arrest, nor to choose a lawyer to defend him in court.

Many journalists who work as human rights defenders have been arrested and imprisoned in Azerbaijan, including Mehman Huseynov (<http://www.nhc.no/en/rights-groups-demand-justice-for-tortured-journalist-mehman-huseynov/>) and former prisoner of

conscience Ismayilova (<http://www.nhc.no/en/khadija-ismayilova-freed/>).

Muslim Unity Movement activist Ahsan Nuruzada disappeared in Baku on 24 January, the day before the verdicts were announced in the trial of Bagirov and the other 17 defendants. It subsequently emerged that he had been kidnapped outside his home by three men in civilian clothes.

Only on 30 January did officers phone his lawyer Yalchin Imamov to say the Interior Ministry's Main Directorate for the Struggle with Organised Crime was holding Nuruzada, the lawyer told Caucasian Knot on 2 February. Officers also told him that on 24 January, a court had sentenced Nuruzada to 10 days' imprisonment for failure to submit to a police order, apparently under Administrative Code Article 535 ("Disobeying a police officer").

Lawyer Imamov lodged an appeal against the imprisonment, but on 2 February Judge Abid Abdinbayov of Baku Appeal Court rejected the appeal. Nuruzada later said he had been pressured to sign a police statement incriminating himself, Caucasian Knot noted. (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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