

3 October 2018

AZERBAIJAN: Fines, censorship amid state control of Islam

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

Agsu court fined three Muslims after state religious affairs officials and secret police raided a home religious meeting. A Baku court rejected theologian Elshad Miri's appeal against a state ban on his book on Islam. The government must explain to the European Court of Human Rights why it jailed Sardar Babayev for leading mosque prayers.

Three Muslims have each been fined up to four months' average wages to punish them for holding a religious meeting in a home. Officials of the State Committee for Work with Religious Organisations and the State Security Service (SSS) secret police raided the home in the central town of Agsu on 17 September.

"What faith they were is not important. They were dealt with simply in accordance with what the law specifies," the Judge's Assistant told Forum 18. He refused to discuss why individuals should be punished for holding religious meetings without state permission.

In July a police officer in Sumgait threatened to take Jehovah's Witnesses to the police station after he and two other officials interrupted a religious meeting in a home (see below).

The Agsu fines came as a Baku court rejected the challenge by Muslim theologian Elshad Miri against the State Committee ban on his book on Islam. Miri condemns the state's censorship and intends to appeal further to Baku Appeal Court (see below).

The European Court of Human Rights (ECtHR) in Strasbourg has given the Azerbaijani government until 1 February 2019 to respond to questions about the jailing of 44-year-old Sardar Babayev, punished for leading Muslim worship having gained his religious education outside Azerbaijan (see below).

All exercise of freedom of religion and belief without state permission is illegal. As the largest religious community, Muslims are subject to specific extra restrictions which do not apply to other faiths.

All mosques must belong to the state-controlled Caucasian Muslim Board, which appoints all imams. The Board also collaborates in the state's forcible closures of Sunni Muslim mosques and imposition of Shia imams on their congregations. The state also imposes compulsory censorship on all religious publications and objects of any belief (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081). The state also enforces a Shia Muslim calendar on all Muslims, including Sunni Muslims (see F18News 31 May 2016 http://www.forum18.org/archive.php?article_id=2183).

Officials, secret police raid home meeting

On 17 September, regional officials of the State Committee for Work with Religious Organisations, officers of the State Security Service (SSS) secret police and officials of unspecified other state agencies raided the home of Vuqar Mammadov in the small central town of Agsu. Officials claimed to be responding to alleged reports of a religious meeting without state permission "in violation of the law", local news agencies quoted the State Committee as declaring the following day.

State Committee officials found Mammadov and two guests, Agsu resident Rauf Majidov and Qanbar Zeynalov from the nearby village of Bozavand, meeting for religious purposes. Officials then charged all under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). The fine for individuals for this "offence" is between 1,500 and 2,000 Manats, equivalent to between three and four months' average wages for those in formal work.

On 21 September, Judge Tahir Ismayilov of Agsu District Court found all three Muslims guilty, his assistant told Forum 18 from the court on 1 October. The Judge fined Zeynalov the maximum 2,000 Manats. The other two men were fined 1,700 and 1,500 Manats.

"What faith they were is not important"

"Judge Ismayilov paid no regard to whether these were Muslims or not," the Judge's assistant told Forum 18 about Mammadov,

Majidov and Zeynalov. "What faith they were is not important. They were dealt with simply in accordance with what the law specifies." He refused to discuss why individuals should be punished for holding religious meetings without state permission.

The assistant added that the court has already informed regional State Committee official Rahim Rahimli – who initiated the prosecutions - of the convictions and fines.

No appeals from Mammadov, Majidov or Zeynalov have yet reached Sheki Appeal Court, officials there told Forum 18 on 2 October.

Forum 18 was unable to reach Rahimli, regional representative of the State Committee in the nearby town of Shamakhi, on 1 and 2 October to find out why officials raided a religious meeting in a home and brought cases to punish the participants.

Asked about the Aghsu raid on 1 October, an official of the Public Relations Department of the SSS secret police in Baku – who did not give his name – refused to discuss anything. "Ask the State Committee," he said, before putting the phone down. The telephone number of Aghsu District SSS is not made public.

Another mosque forcibly closed

Raids on meetings for worship without state permission are frequent. Mosques without state permission are illegal and particularly vulnerable to raids and enforced closure.

The most recent known raid was on Friday 11 May, when officials of the State Committee, police, SSS secret police and Khazar District Administration raided a mosque in a single-storey house in Bina in eastern Baku, the State Committee noted on its website the same day. Officials too were responding to alleged reports of violations of the law on the procedure for holding religious meetings and ceremonies and claim to have found them.

State Committee officials drew up a record of an offence against Gulverdi Binyatov under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). They sent the case to Khazar District Court.

Khazar District Court officials told Forum 18 on 25 June that they could find no record of any case against Binyatov. No appeal against any conviction was heard at Baku Appeal Court.

The 11 May raid and enforced closure of the Bina mosque came amid a spate of such raids and closures (see F18News 10 May 2018 http://www.forum18.org/archive.php?article_id=2375).

The authorities have over many years particularly targeted Sunni mosques for closure (see eg. F18News 20 September 2016 http://www.forum18.org/archive.php?article_id=2216).

"He threatened to take them to the police station"

Officials raid meetings for worship of other faiths. On 14 July, Police Officer Shahmar Qahramanov and two other officials interrupted a religious meeting held in the home of Jehovah's Witness Sona Mammadova in Sumgait, a city on the Caspian Sea north of Baku.

Officer Qahramanov told those present they could not meet in a home and offered to help them find a place to rent. "He threatened to take them to the police station if they did not disperse, so the attendees ended the meeting to comply with the officer's demand," Jehovah's Witnesses told Forum 18.

Who can publish religious books?

Baku-based Muslim theologian Elshad Miri has failed to overturn the State Committee's ban on the publication in Azerbaijan of his book "Things Not Existing in Islam". The book has already been published abroad, including in Azeri in Turkey and Kyrgyzstan.

Miri's book covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam" (see F18News 14 May 2018 http://www.forum18.org/archive.php?article_id=2376).

On 18 September, Judge Aygun Abdullayeva of Baku's Administrative Economic Court No. 1 rejected Miri's suit against the State Committee, according to court records.

The case began in court on 4 April, with further hearings in May. At the 15 May hearing, Judge Abdullayeva ordered a religious studies "expert analysis" of Miri's book. This was assigned to Islamic scholar Anar Qafarov of Baku's state-controlled Theology Institute.

Qafarov's 9 August conclusions stated that Miri's book does not incite religious hatred or enmity, or conflict between religions and denominations. However, it claimed that some parts of the book could have a negative influence on the religious situation in the country. Qafarov maintained that the book could be published if Miri changes its title and some of the chapter headings, and gives more sources (see F18News 11 September 2018 http://www.forum18.org/archive.php?article_id=2411).

Following Judge Abdullayeva's rejection of his suit, Miri condemned state censorship of religious literature in 19 September Facebook messages. "Long live censorship!" he noted sarcastically. "I have no freedom of religion now! This is once again confirmed by court decision!"

Opposition member of parliament Fazil Mustafa of the Great Formation Party also condemned the decision in a 19 September Facebook message. He said the ban on Miri's book "contradicts the Constitution".

Miri's lawyer Elmar Suleymanov also condemned what he called an "unjust decision". "We hope that the Appeal Court will nevertheless issue a just decision," he told Forum 18 from Baku on 23 September.

Suleymanov added on 3 October that the court told him that day that the written decision is still not ready. He said as soon as they receive it they will lodge an appeal to Baku Appeal Court.

The official who answered the phone at the State Committee's Expert Analysis (Censorship) Department on 2 October refused to put Forum 18 through to Department head Nahid Mammadov. He also refused to discuss with Forum 18 why the State Committee had banned the publication of Miri's book in Azerbaijan.

The state imposes compulsory prior censorship on all religious publications and objects of any belief, whether produced in or imported into Azerbaijan (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

European Court of Human Rights questions popular preacher's jailing

The European Court of Human Rights (ECtHR) in Strasbourg asked the Azerbaijani government on 4 September to respond to three cases complaining of unjust pre-trial detention.

In the case of the jailing of Shia Imam Sardar Babayev for leading Muslim worship, the ECtHR asked the government whether it violated his right to freedom of thought conscience and religion under Article 9 of the European Convention of Human Rights and Fundamental Freedoms, as well as the related rights to a fair trial (Article 6), freedom of expression (Article 10), freedom of assembly and association (Article 11), and prohibition of discrimination (Article 14).

The ECtHR also asked on what grounds Babayev was held for months in pre-trial detention (Article 5 - "Right to liberty and security") and whether being held in a metal cage in the courtroom broke the Convention's prohibition of torture, inhuman or degrading treatment (Article 3) (see <http://hudoc.echr.coe.int/eng?i=001-186531>).

The ECtHR gave the Azerbaijani government until 1 February 2019 to submit its responses, Court officials told Forum 18 from Strasbourg on 27 September.

Jailed for preaching popular sermons?

Arrested in February 2017, Imam Sardar Akif oglu Babayev (born 12 March 1974) was given a three-year prison term by a court in the southern town of Masalli in July 2017. He was punished for leading worship in a Muslim community after having gained his religious education outside Azerbaijan, the first known individual to have been punished for this "crime".

Imam Babayev was jailed despite having led prayers at the state-controlled Caucasian Muslim Board's invitation, but local human rights defenders suggested that the state saw the popularity of the Imam's sermons among Muslims as a threat (see F18News 10 July 2017 http://www.forum18.org/archive.php?article_id=2295).

Prisoner of conscience Babayev was sentenced under Criminal Code Article 168-1.3.1 ("Violation of the procedure for religious propaganda and religious ceremonies"), including the conducting of Islamic rites by a citizen who received their Islamic education abroad, and committing this "crime" repeatedly carries a penalty of a prison term of between two and five years.

Article 168-1 was added to the Criminal Code in December 2015 as part of a hastily-prepared package of amendments to a variety of laws especially targeting Muslims who exercise their freedom of religion and belief (see F18News 16 December 2015 http://www.forum18.org/archive.php?article_id=2134).

Prisoner of conscience Babayev's lawyer Javad Javadov lodged the case to the ECtHR (Application No. 34015/17) on 2 May 2017,

after he failed to overturn his challenge through the local courts against his February 2017 arrest.

Javadov lodged a further application to the ECtHR (Application No. 26896/18) on 19 May 2018 after Masalli District Court handed down the three-year prison sentence in July 2017. Shirvan Appeal Court rejected Imam Babayev's appeal in September 2017 (see F18News 6 February 2018 http://www.forum18.org/archive.php?article_id=2350).

A panel of Judges at the Supreme Court in Baku, with Judge Gulzar Rzayeva presiding, rejected Imam Babayev's final appeal against his conviction on 13 February 2018, according to court records.

Babayev is currently being held in Prison No. 17 in Bina in eastern Baku. "He faces no obstacles in praying, and he has a Koran," his lawyer Javadov told Forum 18 on 1 October. "Conditions are reasonable."

The address of the prison where Babayev is being held:

17 sayli Cazacakma müəssisəsi

AZ-1045, Bakı sahəri

Khazar rayonu

Bina qəsəbəsi

Azərbaycan

(END)

For 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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