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AZERBAIJAN: Imam's pre-trial imprisonment extended in treason case

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

A Baku court has extended pre-trial imprisonment for Shia imam Sardar Babayev until April. The secret police arrested the former prisoner of conscience in October 2021 and is investigating him on criminal charges of treason. Six other arrested Shia preachers were freed and criminal cases dropped. "It's a question of relations between Azerbaijan and Iran," a commentator noted, but insists charges of treason are unfounded. "If someone has sympathy for Iran, does it make them an Iranian agent?" A Baku mosque police closed in October 2021 on alleged coronavirus grounds remains closed. A spokesperson said police close mosques, "but we do so when we get a request from the State Committee for Work with Religious Organisations".

Nearly four months after his arrest, 47-year-old Shia imam Sardar Babayev remains in pre-trial imprisonment as prosecutors investigate him on charges of treason. In mid-February, a Baku court extended his pre-trial detention for a further two months until April. A court initially ordered him held in four-month detention after his October 2021 arrest.

This is Babayev's second jailing. He completed a three-year jail term in January 2020 for leading prayers in a mosque after gaining his religious education outside Azerbaijan (see below).

State Security Service (SSS) secret police arrested Babayev and five other high-profile Shia clerics on 19 October 2021. Criminal cases were opened against them. The secret police detained and questioned a seventh prominent Shia on 25 October 2021 before releasing him. Babayev was the only one ordered held in pre-trial detention, while the rest were freed by the end of the month. It appears that only Babayev is now facing a criminal case (see below).

"This is not a question of Babayev," one commentator told Forum 18 on 15 November 2021. "It's a question of relations between Azerbaijan and Iran." But the commentator insists the charges of treason are unfounded. "If someone has sympathy for Iran, does it make them an Iranian agent?"

The commentator noted that while those targeted mostly gained their religious education in Iran and look to religious leaders there, this does not mean they are uncritical of the way Islam is practised in Iran, or that they want Azerbaijan to impose Islam in the way Iran does.

"No one believes Sardar Babayev is an Iranian spy," exiled human rights defender Arif Yunus told Forum 18. "He is the last respected Shia theologian qualified to issue fatwas [religious rulings] who was not already in prison" (see below).

The arrests and criminal cases came as political relations between Azerbaijan and Iran worsened from early October 2021. Around the time of the 19 October 2021 arrests, a series of Shia Muslim websites deemed to reflect an Iranian orientation disappeared. Forum 18 was unable to find out if the state closed them down or pressured the sites' owners to close them down (see below).

On 5 October 2021, police closed a Baku mosque which also housed the representation in Azerbaijan of Iran's Supreme Leader Ali Khamenei. The mosque remains closed as of 16 February 2022 (see below).

The head of the Interior Ministry Press Department, Major Elshad Hajiyeve, told Forum 18 through an aide that the police themselves do not decide when to close mosques. "We close them, but we do so when we get a request from the State Committee for Work with Religious Organisations," the aide told Forum 18. "Mosques can be closed because of coronavirus or for other reasons. We close them on the basis of such a request." The aide declined to say how often police close mosques at the request of the State Committee. "We don't have such statistics," he claimed (see below).

No official at the State Committee in Baku would discuss mosque closures with Forum 18 (see below).

On 15 February, the Milli Maclis (Parliament) approved in the second reading amendments to the Religion Law which will hand responsibility for naming prayer leaders in all mosques from the Caucasian Muslim Board to the State Committee for Work with

Religious Organisations. No date has yet been set for the third reading. "The State Committee is collecting all the power it can over the Muslim community," exiled human rights defender Arif Yunus told Forum 18 (see below).

Meanwhile, a Baku court jailed a local Muslim for 15 days in November 2021 after he protested against the removal of prayer leaders at the mosque on the territory of Sadarak shopping centre on the southern edge of the capital. Security staff of the shopping centre beat the man before police arrested him, but do not appear to have faced any charges (see below).

The United Nations Human Rights Committee made public two further rulings in November and December 2021 (https://www.forum18.org/archive.php?article_id=2726) finding that Azerbaijan had violated the rights of Jehovah's Witnesses to freedom of religion or belief.

Worsening Azerbaijan-Iran relations led to Baku mosque closure

Political relations between Azerbaijan and its southern neighbour Iran worsened on 1 October 2021, when Iran launched military exercises close to the border. Iran's spiritual leader Ali Khamenei condemned what he saw as the presence of Israeli agents in Azerbaijan.

On 5 October 2021, the Police "and other specialists" closed Huseyniyya Mosque in Baku's Narimanov District. The Mosque was primarily a mourning venue, particularly during the Muslim holy month of Muharram. It also contained the office of Khamenei's representative in Azerbaijan Ali Akbar Ojagh Nejad.

Police spokesperson Colonel Ehsan Zahidov said that the closure was because of the prevalence of coronavirus at the mosque. "As a result, the activity of the shrine was halted," he told the local media the same day. "At present the epidemiological service is undertaking appropriate measures."

A Muslim close to Huseyniyya Mosque told Forum 18 on 16 February 2022 that it remains closed.

Colonel Zahidov was unavailable each time Forum 18 called on 15 February. The head of the Press Department, Major Elshad Hajiyeu, told Forum 18 the same day through an aide that the police themselves do not decide when to close mosques.

"We're not involved in such issues," the aide told Forum 18 on behalf of Major Hajiyeu. "We close them, but we do so when we get a request from the State Committee for Work with Religious Organisations. Mosques can be closed because of coronavirus or for other reasons. We close them on the basis of such a request." The aide declined to say how often police close mosques at the request of the State Committee. "We don't have such statistics," he claimed.

No official at the State Committee in Baku would discuss mosque closures with Forum 18 on 15 February.

The Mosque community continues to post numerous messages from Ojagh Nejad to its Facebook page. "Thus, in my opinion, the mosque became a virtual one, using as the basis for that the official pretext of closure of the Mosque because of pandemic reasons," Eldar Zeynalov of the Human Rights Centre told Forum 18 from Baku on 16 February.

While the regime keeps all religious communities under control, it has been particularly tightening its control over mosques in recent years. Almost all the remaining Sunni mosques were closed (https://www.forum18.org/archive.php?article_id=2429), including in Baku and Ganca.

Raids, arrests, charges

On 19 October 2021, State Security Service (SSS) secret police officers arrested Sardar Babayev of the Spiritual Leaders of Azerbaijan movement. That day they also arrested four other supporters of the movement, Qadir Mammadov, Jalal Shafiyev, Ali Musayev and Tamkin Jafarov. Officers seized telephones and computers.

Officers questioned Mammadov, Shafiyev, Musayev and Jafarov before freeing them on 26 October 2021. Criminal charges were not launched against them. Jafarov's brother told Caucasian Knot news agency on the evening of 21 October 2021 that 48 hours after his brother's arrest, the family did not know where he was.

All five also worked with or contributed to the website Maide.az, which published news and Islamic writings.

Also on 19 October 2021, officers searched the Baku home of Ilgar Ibrahimoglu Allahverdiyev. At the end of the raid they detained him and took him to the police station, local news agencies noted. After questioning for several hours as a witness, officers let him go. After his release, Ibrahimoglu stated online that he would be withdrawing from social media.

On 25 October 2021, the SSS secret police detained Shia Muslim Ahliman Rustamov in Baku, Caucasian Knot noted on 29 October 2021. Officers questioned and then released him. SSS officers seized about 15 religious books, Rustamov's son Qasim told OC

Media.

Rustamov is a theologian who was Imam of Haji Javad Mosque in Baku's Yasamal District. In April 2017 a Presidential Decree ordered the Mosque's demolition, causing protests. The Mosque was demolished in June 2017. A new Mosque with the same name was built nearby and completed in April 2018. Rustamov was Imam of the new Mosque for a short time before being removed by the state-controlled Caucasian Muslim Board.

Websites disappear

Between 20 and 25 October 2021, a series of Shia Muslim websites deemed to reflect an Iranian orientation disappeared. Among those that disappeared was Maide.az, which described itself as an "Islamic enlightenment and news website", set up in 2014 by Sardar Babayev and others.

Other sites that disappeared include Shia.az and Ehlibeyt.info (which contained "articles, video and audio lessons on the bases of Islam, Sharia rules and moral questions"), as well as Deyerler.org (a site associated with Ilgar Ibrahimoglu).

Forum 18 was unable to find out if the state closed them down or pressured the sites' owners to close them down.

"The police don't close down websites," the aide to Police Press Office head Major Hajiyeve told Forum 18. "That's not within our competence." He declined to say who might have done.

Treason prosecution, four months pre-trial detention already

Following his arrest on 19 October 2021, prosecutors are investigating Shia Muslim Imam Sardar Akif oglu Babayev (born 12 March 1974) on charges of treason under Criminal Code Article 274, his lawyer Javad Javadov noted at the time. This carries a punishment of between 12 and 20 years' imprisonment. Javadov was unable to reveal the substance of the prosecutors' case as he had been ordered not to reveal details of the investigation.

On 21 October 2021, at the prosecutor's request, Baku's Sabail District Court ordered Babayev held in four months' pre-trial investigation prison. Babayev appealed against his pre-trial detention, but on 27 October 2021 Baku Appeal Court rejected his appeal.

As the four-month detention period was about to expire in February 2022, the prosecutor went to Court to extend it. A Judge accepted the prosecutor's request and extended pre-trial detention until April.

Asked on 15 February about the criminal prosecution of Babayev, the aide to Police Press Office head Major Hajiyeve told Forum 18 that he had no information about the case.

The man who answered the phone on 16 February at the SSS secret police Public Relations Department refused to put Forum 18 through to its Head, Colonel Arif Babayev, or his deputy Yashar Isakov. The man, who did not give his name, refused to answer any questions about the criminal case against Imam Sardar Babayev.

"No one believes Sardar Babayev is an Iranian spy," exiled human rights defender Arif Yunus told Forum 18 on 7 February. "He is the last respected Shia theologian qualified to issue fatwas [religious rulings] who was not already in prison."

Imam Babayev's earlier jailing

Shia Muslim Imam Sardar Babayev is married with three children. He completed theological studies at Al Mustafa University in the Iranian city of Qom in 2000. He also studied Islam in Baku. At the invitation of the state-backed Muslim Board, he led the namaz (Friday prayers) at Masalli's Juma (Friday) Mosque from 2009.

Police arrested Imam Babayev in February 2017 and a court jailed him in July 2017 for three years (https://www.forum18.org/archive.php?article_id=2295) for leading prayers in a mosque having gained his religious education outside Azerbaijan. He was convicted under Criminal Code Article 168-1.3.1.

Article 168-1 punishes "violation of the procedure for religious propaganda and religious ceremonies", including by conducting of Islamic rites by a citizen who has received their education abroad. Article 168-1.3.1 punishes those who commit such violations "repeatedly", with a prison term of between two and five years.

Babayev was freed in February 2020 (https://www.forum18.org/archive.php?article_id=2557) at the end of his sentence.

Babayev lodged a case to the European Court of Human Rights (ECtHR) in Strasbourg in 2017 (Application No. 34015/17) to challenge his pre-trial detention. The ECtHR asked the government questions (<https://hudoc.echr.coe.int/eng?i=001-186531>) about

the case on 4 September 2018. Babayev is awaiting a decision in the case from the Strasbourg court.

After the court jailed Imam Sardar Babayev in July 2017 for three years, his lawyer lodged a second ECtHR case (http://www.forum18.org/archive.php?article_id=2353) (Application No. 26896/18) to challenge the conviction for leading prayers.

Parliament approves Religion Law amendments in second reading

No election in Azerbaijan – including February 2020 Milli Majlis (Parliament) elections - has ever been found to be free and fair (<https://www.osce.org/odihr/elections/azerbaijan>) by Organisation for Security and Co-operation in Europe (OSCE) election observers.

On 15 February, the Milli Majlis approved in the second reading amendments to the Religion Law, the Milli Majlis website noted the same day. No date has yet been set for the third reading. Deputies had approved the amendments in the first reading (https://www.forum18.org/archive.php?article_id=2717) on 1 February.

The amendments will hand responsibility for naming prayer leaders in all mosques from the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429) to the State Committee for Work with Religious Organisations.

The amendments will also give the State Committee the leading role in re-appointment of all imams every five years, with only the "involvement" of the Caucasian Muslim Board. This is a reversal of the State Committee and Muslim Board roles when the state mandated re-appointment of all imams in June 2021 amendments to the Religion Law.

The amendments will re-designate the Caucasian Muslim Board – which has been headed since 1980 by Sheikh-ul-Islam Allahshukur Pashazade - not as the "organisational" centre but the "religious" centre for Azerbaijan's mosques. The regime does not allow independent mosques to exist.

"The State Committee is collecting all the power it can over the Muslim community," exiled human rights defender Arif Yunus told Forum 18 (https://www.forum18.org/archive.php?article_id=2717) from the Netherlands.

Another amendment will remove the possibility for non-Muslim communities to have a "religious centre" or headquarter body. However, this term is poorly defined in the current Religion Law and the implications of the change remain unclear.

Beaten, 15-day jail for protesting against change of Imams

In November 2021, the authorities removed from office the three prayer leaders (one of them named Akram) at the Mosque next to Sadarak shopping centre in Baku's southern Qaradag District. Three new prayer leaders were appointed to replace them.

One mosque attendee, 46-year-old Aydin Nagiyev, objected to the decision and wrote to the head of the state-controlled Caucasian Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade.

On 12 November 2021, Nagiyev and other mosque attendees held a protest against the removal of the prayer leaders. Officer Orkhan (last name unknown) of Qaradag District's 10th Police Department phoned Nagiyev and demanded that the protest stop, but Nagiyev refused. Security staff at the shopping centre beat Nagiyev. A representative of the shopping centre later told the media that Nagiyev bit his finger and then smeared blood on his face.

Police then arrested Nagiyev and brought a case against him under Administrative Code Article 535.1 ("Disobeying a police officer"), which bears a punishment of a fine or up to one month's imprisonment. On 12 November 2021, Judge Rufan Mursalov at Qaradag District Court jailed Nagiyev for 15 days, to start from 5:50 pm that day, according to the decision seen by Forum 18.

Telephones at the 10th Police Department as well as at Qaradag District Police went unanswered each time Forum 18 called on 18 November 2021.

Exiled historian and human rights defender Arif Yunus insists that the jailing of Nagiyev was illegal. "The authorities' true goal was to bring the mosque under control and impose prayer leaders that were under their control," he told Forum 18 from the Netherlands on 9 February 2022.

The Mosque was built in a free-standing building on the territory of the shopping centre in 2007. It does not have state registration, but this is now being considered, the Turan news agency noted on 15 November 2021. To gain registration it would have to submit to the Caucasian Muslim Board and the State Committee, which will appoint the Imam. (END)

More reports on freedom of thought, conscience and belief in Azerbaijan (<https://www.forum18.org/archive.php?country=23>)

For background information, see Forum 18's Azerbaijan religious freedom survey

(https://www.forum18.org/archive.php?article_id=2429)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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