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AZERBAIJAN: Family and mosque appeal for imam's freedom

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

The family and mosque community of the only Sunni Muslim mosque in Azerbaijan's second city Gyanja have appealed for their imam, Kazim Aliyev, to be freed – three and a half years after his arrest. His family have told Forum 18 News Service that they reject absolutely the government accusation that Aliyev was preparing an armed anti-government uprising to create an Islamic state. Aliyev, who is married with three young children, is being held in prison camp 15 in Baku and his lawyer, Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, insists that he has been wrongfully jailed. A European Court of Human Rights appeal is currently under way. Zeynalov told Forum 18 that he believes Aliyev's refusal to demand set fees for carrying out religious rituals angered other imams in the town, and that this may have provoked the charges. Aliyev was initially held by the Military Counter-Intelligence Department for espionage, but the allegations were later changed.

Three and a half years after the arrest of Kazim Aliyev, imam of the only Sunni Muslim mosque in Azerbaijan's second city Gyanja [Gäncä], his family and human rights activists have renewed calls for him to be freed. "His imprisonment has been a terrible blow to the family – we were shocked by it," a relative who preferred not to be identified told Forum 18 News Service in the capital Baku on 17 October. "It's an injustice we never expected." The relative rejected absolutely the government accusation that Aliyev was preparing an armed anti-government uprising to create an Islamic state. Likewise calling for Aliyev's release is Ilham Ibrahimov, who is leading prayers at the mosque while the imam is imprisoned. "Of course we all want him back to lead our community," he told Forum 18 from Gyanja on 17 October. "He's a good man, just and fair. How could he have had any weapons?"

The 40-year-old Aliyev, who is married with three young children, is being held in prison camp 15 in Baku. "We want him freed immediately," the relative told Forum 18. "International organisations should help us resolve the case."

Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan who is handling Aliyev's appeal to the European Court of Human Rights in Strasbourg (No. 40106/04), insists the imam has "nothing to do with Wahhabism" and has been wrongfully imprisoned. He claims Aliyev's refusal to demand set fees for carrying out religious rituals angered other imams in the town and that this may have provoked the charges.

Firdovsi Kerimov, the official in Gyanja of the State Committee for Work with Religious Organisations, says he has no information about why Aliyev was detained. "I only began work here in April 2002 [the month after Aliyev's arrest]," he told Forum 18 from Gyanja on 20 October. "I have only heard rumours about his case." He insists that the Juma mosque remains open despite Aliyev's arrest and that the local Sunni Muslim community is not obstructed in its worship. Kerimov said the mosque is the only Sunni mosque in the city. There are six Shia mosques, four of which are registered. He refused to say how many mosques there are in the Gyanja region outside the city.

Kerimov has in the past also refused to explain why a meeting of Jehovah's Witnesses which police raided was "illegal" (see F18News 26 April 2005 http://www.forum18.org/Archive.php?article_id=551)

Aliyev, who was forced to leave his home town of Qubadli in south-western Azerbaijan in the early 1990s when the area was seized by Armenian forces during the war over Nagorno-Karabakh, was brought up in a Shia Muslim family. However, after studies at Baku's Islamic University, his family told Forum 18, Aliyev became a Sunni Muslim of the Shafi'i school. In July 1997 he was named by the state-approved Caucasian Muslim Board as imam of the Juma (Friday) mosque in Shahsevenler district of Gyanja.

Aliyev was arrested on 24 March 2002, held for two months in a basement cell at the Military Counter-Intelligence Department (which was not then authorised to hold prisoners for interrogation) before being transferred to Baku's Bayil prison. He was held for several days in an isolation cell with a fellow-prisoner he claims had tuberculosis and was mentally disturbed. He was initially investigated for espionage, but the accusations were later changed.

Aliyev's trial eventually began at Baku's Military Court for Serious Crimes in December 2002 on charges that he had conspired to establish an Islamic state by preaching Shafi'i Islam, gathering a small group of young men round him and urging one – who was a soldier – to report on the weapons held by his military unit in preparation for a raid to seize them and then take power. Aliyev vigorously rejected the accusations. "This information indicated on the documents of the investigation and the court is false and

fictitious," he wrote in a 30 October 2004 letter to the Council of Europe rapporteur Andreas Gross. "As religious leader of the mosque in Gyanja I was never involved in political activities." And he added: "I love my people, state and religion and teach only the Koran to the visitors to the mosque."

Aliyev reported that 20 witnesses were called during the four-month trial. He noted that all those who had incriminated him in statements extracted from them during the investigation process retracted them in court, noting that they had been forced to make such statements by counter-intelligence officers. "The witnesses spoke the truth and deemed the accusation false. But at the end the judges disregarded the truth." He was sentenced on 9 April 2003 to seven and a half years' imprisonment under Article 278 of the criminal code, which punishes "violent seizure of power". His subsequent appeals failed to change the verdict.

Aliyev believes he was a victim of officials of the Military Counter-Intelligence Service who wanted to prove to the then president Heydar Aliyev (no relation) that they were performing an effective job and that the Service therefore should not be absorbed into the National Security Ministry. He believes he was also punished for preaching Shafi'i Sunni Islam, a minority school of Islam in Azerbaijan, where most of the population are of Shia background.

Ibrahimov, the temporary prayer leader at the mosque (which he says has up to 300 members), absolutely rejects the accusations that Aliyev had planned an armed uprising. "No Muslim should behave like that," he told Forum 18. He described the accusations as a "fabrication before Allah", adding that he did not know who had initiated the charges against Aliyev. "As imam, he preached that we're all brothers and sisters and we should bow down before Allah."

Zeynalov of the Human Rights Centre points out the absurdity of the accusation that six men could seize power by force and the absence of evidence in the light of the witnesses' abrogation of their confessions extracted under torture. He notes that a suspicious package found in the mosque after evening prayers on the day of Aliyev's arrest had appeared immediately after counter-intelligence official Hayyam Maharramov visited the building. He also points out that all five other alleged conspirators sentenced in the case have been pardoned and released.

Zeynalov lamented that the Caucasian Muslim Board has done nothing to defend Aliyev and did not even observe the trial, although it had originally named him to the mosque.

In its application to the European Court of Human Rights on Aliyev's behalf, lodged in September 2004 but whose admissibility has yet to be determined by the court, the Human Rights Centre deems – among other complaints - that the authorities' determination to remove him as imam of the mosque constitutes a violation of Article 9 of the European Convention on Human Rights, which covers freedom of religion. The application dismisses claims that because the mosque's doors were closed during prayers Aliyev was determined to preach "in secret". It points out that the imam was merely complying with an instruction to close doors during prayers in a public speech by Rafik Aliyev (no relation), who chairs the State Committee for Work with Religious Organisations.

Kazim Aliyev's relatives told Forum 18 they are able to visit him monthly in prison camp and say he is now allowed to pray in his cell "if he is careful". Ibrahimov reported that he and other members of the mosque cannot afford to travel to Baku to see their imam. "I last saw him two or three years ago," he told Forum 18.

Aliyev's family insist that once he is freed he will be allowed to return to resume his duties at the mosque. They say he is content to lead the mosque within the framework of the Caucasian Muslim Board.

The authorities in Gyanja have also persistently attacked the city's Jehovah's Witnesses (see F18News 21 June 2005 http://www.forum18.org/Archive.php?article_id=590). These attacks have been supported by Azerbaijan's official Human Rights Commissioner, or Ombudsman, who has refused to recognise religious freedom violations – against Muslims and members of religious minorities such as Adventists and Jehovah's Witnesses - as human rights violations (see F18News 29 April 2005 http://www.forum18.org/Archive.php?article_id=552)

In another recent Muslim case, Ilgar Ibrahimoglu Allahverdiev, imam of the independent Juma mosque in Baku's Old City, was expelled from it with his community and was given a suspended prison sentence in 2004 (see F18News 12 April 2005 http://www.forum18.org/Archive.php?article_id=541).

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

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=92

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>

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