

14 August 2014

## AZERBAIJAN: Four months' extra prison term because "they gave him too little"

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

*Imprisoned Islamic preacher and theologian Taleh Bagirov was given an extra four months' imprisonment at a new trial in Baku. He "categorically denied" in court the charge of possessing an illegal mobile phone in his cell, his lawyer Javad Javadov told Forum 18 News Service. He insists that the phone was planted. Judge Suleyman Agayev claimed to Forum 18 that Bagirov had "half admitted" the accusation. Bagirov is already serving a two-year strict regime sentence on drugs charges which his supporters insist were similarly fabricated. Baku Old City officials confirmed to Forum 18 that the Lezgin Mosque – one of very few remaining specifically Sunni mosques in Azerbaijan – is to be closed for renovation. They refused to say if the Mosque will be returned to the same community after renovation. Also, increased Criminal Code punishments for exercising freedom of religion or belief are planned. Maximum prison terms under Article 168 – for which three Muslims are under investigation in NSM secret police detention – seem set to more than double to eight years.*

In addition to the two-year prison term Islamic preacher and theologian Taleh Bagirov is already serving on what his supporters insist were fabricated charges, a court in Azerbaijan's capital Baku yesterday (13 August) sentenced him to an extra four months' imprisonment. "The authorities decided that they gave him too little originally," Bagirov's lawyer Javad Javadov told Forum 18 News Service from Baku after the sentence was handed down. He insists that, like the earlier sentence on drugs charges, this case too was fabricated. The Judge declined to comment to Forum 18 on suggestions the case was fabricated.

Bagirov (also known as Bagirzade) – who marked his 30th birthday in prison on 23 June – had led prayers at the Hazrat Abulfaz Aga Mosque in the village of Mastaga on the Absheron peninsula near Baku. His supporters say the authorities were unhappy at his preaching against the Caucasian Muslim Board and state officials.

Bagirov was arrested with his driver, Anar Melikov, in March 2013. Melikov was given a 19-month prison term in August 2013 for alleged possession of a gun and bullets, an accusation he denied. Bagirov was given a two-year strict regime prison sentence in November 2013. He was found guilty of possessing just over one gram of heroin under Criminal Code Article 234.1. His supporters insist the case was fabricated to punish him for his religious and political activity (see F18News 7 November 2013 [http://www.forum18.org/archive.php?article\\_id=1894](http://www.forum18.org/archive.php?article_id=1894)).

Bagirov's extra prison term comes as Baku Old City officials confirm that the Lezgin Mosque – one of very few remaining specifically Sunni mosques in Azerbaijan – is to be closed for renovation. Officials said it was not their responsibility which religious community it might be handed to after renovation is complete (see below).

Harsher punishments for exercising freedom of religion or belief are also planned under proposed amendments to the Criminal Code (see below).

Did Bagirov have illegal mobile phone?

Prison guards at Kurdakhani Investigation Prison in Baku's Sabunchu District, where Bagirov has been held, claim they found a mobile telephone, a phone charger and a phone sim card hidden in his cell, the Prison Service announced on its website on 30 December 2013. Prisoners are forbidden from having phones. A criminal case was prepared under Criminal Code Article 317-2.1. This punishes prisoners who have forbidden items with a fine or imprisonment of six further months.

Bagirov's new trial began under Judge Suleyman Agayev at Sabunchu District Court on 17 July 2014, with further hearings on 24 July, 6 and 13 August. At the 13 August hearing, Judge Agayev found Bagirov guilty and handed down the extra four months' imprisonment.

Judge Agayev told Forum 18 from the court on 14 August that he has already completed the written verdict and would be issuing it to Bagirov's lawyer the same day.

Fabricated case?

Bagirov "categorically denied" in court that he had possessed the mobile phone as the prosecution maintained, his lawyer Javadov told Forum 18. By contrast, Judge Agayev claimed that Bagirov had "half admitted" the charge, admitting he had used the mobile phone while in prison. "All this will be in the written verdict," he insisted.

Bagirov's lawyer Javadov insists the authorities used the claims of illegal possession of a mobile phone simply as an excuse to increase Bagirov's term in prison. "This is the method they chose to use," he told Forum 18.

"The mobile phone was planted," Javadov added. "Taleh is under intense scrutiny in prison and couldn't have a mobile phone." He said Bagirov had no need of a mobile phone anyway, as there is a phone in prison which he has access to twice a week.

Judge Agayev adamantly refused to comment on defence suggestions that the extra criminal case had been fabricated as an excuse to extend Bagirov's term of imprisonment.

Prison transfer expected

Bagirov is still held in Kurdakhani Investigation Prison, Javadov told Forum 18. He was brought to the court hearings from the prison. Now this new trial is over, Bagirov is now expected to be sent to serve the rest of his sentence in Labour Camp No. 12 in the village of Puta, along the coast to the south-west of Baku. The address of Labour Camp No. 12 is:

12 sayli Cazacakma müəssisəsi

AZ-1071, Baki sahəri

Qaradag rayonu

Putə qəsəbəsi

Azərbaycan

Bagirov is not facing problems praying or having religious literature in prison at the moment, Javadov told Forum 18.

Sunni mosque closure confirmed

Meanwhile, Baku's Icherisheher (Old City) State Historical-Architectural Reserve has confirmed that the historic Lezgin Mosque (also known as the Ashur Mosque) is to be closed for full renovation. The works – which will be conducted by the Reserve – "were due to start already", spokesperson Narmin Azadgil told Forum 18 from Baku on 13 August.

Azadgil failed to say when the works at the Sunni Mosque will actually start or to estimate when they are likely to be completed. "It is almost always impossible to state any precise dates/period of conservation/restoration projects without analysing the results of relevant scientific researches," she told Forum 18.

The Lezgin Mosque community leader, Faiq Mustafa, expressed great concern to Forum 18 that the renovation had been decided without the community's involvement. He fears that the community will not be given any alternative venue during the renovation and that the mosque building will not be returned to the same community after the renovation is complete. He points out that the authorities have used various excuses to close Sunni Muslim mosques (see F18News 11 August 2014 [http://www.forum18.org/archive.php?article\\_id=1984](http://www.forum18.org/archive.php?article_id=1984)).

Azadgil of the Reserve refused to say whether the mosque will be returned to the same community after renovation. "The answer to this question is beyond the responsibilities of our Administration," she claimed. "The registration of religious communities, their activity and allocation is regulated by other relevant authorities (State Committee for Work with Religious Organisations, Caucasian Muslim Board). We are only responsible for protection of historical monuments within the Old City of Baku."

Mustafa of the Mosque community had expressed surprise at suddenly being told of the imminent closure for renovation at a 16 July meeting. The Reserve has not confirmed anything in writing, to his dissatisfaction.

However, Azadgil claimed that renovation of the Lezgin Mosque had been specified in the Conservation Master Plan approved by a prime ministerial decree in 2010. A follow-up plan submitted to the Cabinet of Ministers later that year included a plan to restore the Mosque in 2012-4, she claimed. Forum 18 asked for a copy of this plan, but is so far yet to receive it. "In 2013, the Scientific Restoration Atelier examined the mosque building and identified the main problematic issues to be addressed during the restoration process. Following this the restoration project has been developed."

While Mustafa of the Mosque community told Forum 18 that he sees no need for the full renovation the Reserve intends to undertake, at least on the interior, Azadgil insists that it is necessary. "A big problem exists with underground water, which became the reason for damage of the neighbouring building (now being regenerated)," she told Forum 18. "This must also be solved in order to prevent collapse of the mosque."

Azadgil refused to explain why the Reserve has given the Mosque no information about the impending closure in writing as the Mosque is demanding.

#### Harsher criminal punishments planned

Proposed amendments to two Articles of the Criminal Code to increase punishments for the "illegal" exercise of freedom of religion or belief are due to be considered in Parliament, the Milli Mejlis, in the autumn, the Azeri Press Agency (APA) stated on 11 August citing unnamed Milli Mejlis officials.

Azerbaijan has repeatedly increased both administrative and criminal punishments for those exercising the right to freedom of religion or belief (see Forum 18's Azerbaijan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=1690](http://www.forum18.org/archive.php?article_id=1690)).

Forum 18 was unable to find out which government agency had initiated the new proposed Criminal Code amendments or why. No one answered the phones on 14 August at the Milli Mejlis Legal Policy and State Building Committee, or the press office. The Milli Mejlis switchboard operator told Forum 18 that very few officials are at work during the summer recess. She said parliament will not resume its work before 15 September.

Opposition member of parliament Fazil Gazanfaroglu Mustafaev of the Great Formation Party told Forum 18 on 14 August that deputies had been given no information about these proposed amendments before the Milli Mejlis broke for its summer recess.

The proposed amendments – if adopted - would increase punishments under Criminal Code Article 167-1 and Article 168, according to APA.

Article 167-1.1 punishes forcing individuals, including children, to take part in religious activity or religious education. Article 167-1.2 punishes forcing individuals to be members of a religious community or preventing them from leaving. Punishments are fines or imprisonment.

Article 167-1 was introduced into the Criminal Code in May 2009. Further amendments to the Article were signed into law in December 2011. Although they left terms of imprisonment unchanged, they dramatically increased fines (see F18News 15 December 2011 [http://www.forum18.org/archive.php?article\\_id=1648](http://www.forum18.org/archive.php?article_id=1648)).

Punishments under Article 167-1.1 would rise to a maximum term of imprisonment of six years (it is two years currently) or a fine of 5,000 to 10,000 Manats (the fine is currently 3,000 to 5,000 Manats). (Each 1,000 Manats is currently equivalent to 8,300 Norwegian Kroner, 950 Euros or 1,275 US Dollars.)

Punishments under Article 167-1.2 would rise to a maximum term of imprisonment of five years (it is two years currently) or a fine of 5,000 to 10,000 Manats (the fine is currently 3,000 to 5,000 Manats).

Article 168 punishes "Creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it". Cases when minors are involved are prosecuted under Article 168.2, which carries a maximum punishment at present of three years' imprisonment.

Punishments under Article 168 would rise to a maximum term of imprisonment of eight years or a fine of 10,000 to 15,000 Manats (the fine is currently 7,000 to 9,000 Manats).

The National Security Ministry (NSM) secret police are currently investigating three Baku Muslims - Eldeniz Hajiyev, Ismayil Mammadov and Revan Farzaliyev – under Criminal Code Article 168.2.

Hajiyev and Mammadov were arrested in April, when NSM secret police and ordinary police raided a meeting where Muslims were studying their faith with the help of the writings of the late Turkish Muslim theologian Said Nursi. Farzaliyev was arrested in May. All are being held by the NSM secret police and all had their pre-trial detention extended by a further two months in early August (see F18News 7 August 2014 [http://www.forum18.org/archive.php?article\\_id=1983](http://www.forum18.org/archive.php?article_id=1983)). (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at [http://www.forum18.org/Archive.php?article\\_id=1690](http://www.forum18.org/Archive.php?article_id=1690).

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](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](http://www.forum18.org/Archive.php?article_id=482).

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