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AZERBAIJAN: Conscientious objectors amnestied, imam and driver not freed

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

Azerbaijan's two known imprisoned conscientious objectors – both Jehovah's Witnesses - have been freed as part of a prisoner amnesty, Forum 18 News Service has learnt. However, prisoners of conscience Imam Taleh Bagirov and his driver Anar Melikov have not been freed. Imam Bagirov is known for his political opposition to the government, and also openly opposed the imposition of an imam from the state-backed Caucasian Muslim Board to lead his mosque near the capital Baku. All mosques are required by the Religion Law to be controlled by the Board, which is required to appoint their religious leadership. On 27 June a Baku court ordered the extension of Imam Bagirov's pre-trial detention by one month, while Melikov's trial is expected to begin in a different Baku court in mid-July. Both men have been detained since 31 March. They insist that state claims that they possessed heroin, a pistol, and bullets are false.

Azerbaijan's two known imprisoned conscientious objectors – both Jehovah's Witnesses - have been freed as part of a prisoner amnesty, Forum 18 News Service has learnt. However, an imam from near the capital Baku, Taleh Bagirov, and his driver Anar Melikov have not. On 27 June a Baku court ordered an extension of Bagirov's pre-trial detention, while Melikov's criminal trial is expected to begin in a different Baku court in mid-July. Both prisoners of conscience have been detained since 31 March.

Imam Bagirov 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. They insist that the drugs police claim to have found on Bagirov (just over a gram of heroin), and the gun and bullets police claim to have found on Melikov, were planted.

Like all mosques in Azerbaijan, the government insisted Hazrat Abulfaz Aga Mosque has to be controlled by the Muslim Board, which appointed Mirjafar Hasanli as imam. But many mosque members rejected him, welcoming instead Bagirov and another theologian Zulfugar Mikailzade to lead Friday prayers and give the sermon (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

The Hazrat Abulfaz Aga Mosque remains open for worship, local Muslims told Forum 18 on 28 June. Many mosques – including those both inside and outside the Muslim Board – have been forcibly closed by the state (see eg. F18News 17 January 2013 http://www.forum18.org/Archive.php?article_id=1791). Independent mosques are banned, and many religious communities of other faiths are subjected to threats, raids and fines (see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690).

Detention extended

At a 27 June hearing in Baku's Narimanov District Court, Judge Abbas Aliyev ordered the extension of Imam Bagirov's pre-trial detention for a further month, his lawyer Javad Javadov told Forum 18 from Baku the same day. Bagirov had been brought to court from the pre-trial Investigation Prison in Kurdakhani for the hearing.

Mirqasim Aliyev, a relative who heads the Committee to Defend Bagirov, wanted to attend the 27 June hearing but was stopped by a police officer on the door of the court. "Only the lawyer Javad Javadov was allowed in to support Taleh," he told Forum 18 from Baku on 28 June.

Bagirov (also known as Bagirzade) - who marked his 29th birthday on 23 June - faces charges under Criminal Code Article 234.1. This punishes the illegal purchase or storage, without a commercial purpose, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption. The maximum sentence is a prison term of up to three years.

Javadov told Forum 18 that an examination on Bagirov found that he was not a drug user. The lawyer fears that prosecutors now want to add accusations that Bagirov conducted anti-state activity under Criminal Code Article 281 ("Public appeals for violence directed against the state") or Article 283 ("Inciting national, racial or religious hatred").

He said that investigators are waiting for an "expert analysis" of videos of his sermons at the Hazrat Abulfaz Aga Mosque. The analysis is being conducted by the Justice Ministry, together with the State Committee for Work with Religious Organisations. Such "expert analyses" are an integral part of Azerbaijan's censorship system (see eg. F18News 2 May 2013 http://www.forum18.org/archive.php?article_id=1830).

"These videos are freely available on YouTube," his lawyer Javadov told Forum 18. He pointed out that Bagirov's criticism of the government were not calls for violent action against the state. Aliyev similarly stressed that Bagirov "did not call for the violent overthrow of the government", he told Forum 18. "Indeed, he always said it would be wrong to forcibly change the government."

No comment

Aliyev had tried as a relative to gain access to Imam Bagirov in Kurdakhani pre-trial Investigation Prison, but was refused. "I haven't seen Taleh since the day before his arrest in March." He said both Bagirov's brothers (he has no sisters) have been to the prison "so many times" but have been denied entry.

The Ombudsperson's Office noted in a 24 June statement on its website that it had sent its representatives to visit Bagirov and two other prisoners detained on political grounds.

"The people visited made no complaints about the detention conditions and treatment but some of them did convey their dissatisfaction with the investigations against them," the statement claimed.

No one at the Ombudsperson's Office was willing to discuss Bagirov's case. Ravan Samedov of its National Preventive Mechanism told Forum 18 on 27 June that "I am not the right person to ask". He referred Forum 18 to spokesperson Zemfira Maharramli, but her phone went unanswered each time Forum 18 called on 27 and 28 June.

The telephone of Vusal Salehov, the Investigator at the Police Department for the Fight Against Organised Crime who is handling Bagirov's case, went unanswered each time Forum 18 called on 27 and 28 June.

Forum 18 was unable to reach Aqil Shirinov, head of the State Committee's Expertise Department, or State Committee spokesperson Orhan Ali. Neither was in the office when Forum 18 called on 28 June.

Driver's trial imminent?

The criminal case against Melikov, Bagirov's driver, has already been completed and handed to Baku's Sabunchu District Court, his lawyer Bahtiyar Hajiyev told Forum 18 from Baku on 27 June. No judge has yet been appointed to hear the case.

The case was prepared by Investigator Shohrat Huseynov of the Police Department for the Fight Against Organised Crime. Melikov is accused under:

Criminal Code Article 228.1 ("Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies and ammunition (except for a hunting rifle), and explosives"), which carries a maximum sentence of three years in jail;

and Article 228.4 (" Illegal purchase, selling or carrying of a gas weapon or knife, except in districts where carrying of a knife is an accessory of national dress or connected to hunting"), which carries a maximum sentence of one year in jail.

Hajiyev says his client rejects both charges, which relate to the police's discovery in the car Melikov was driving of a knife and alleged discovery of a Makarov pistol and four bullets (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834). "He had a household knife in the boot of the car, but they claim it was in his trouser pocket," Hajiyev told Forum 18.

"Anar only admitted to having a gun and bullets after beatings and threats by police during his initial detention (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834). He renounced this testimony as soon as he engaged me as his lawyer." Hajiyev added that a forensic examination of the gun found none of Melikov's fingerprints on it.

Melikov is, like Bagirov, being held in pre-trial Investigation Prison in Kurdakhani near Baku. "Anar is able to conduct religious rituals and have a copy of the Koran," Hajiyev said.

Melikov is in his early thirties. A bachelor, he has a sick mother, while his father works in Israel. "The law allows him to have visits in prison from relatives, who could talk to him through a glass window," Hajiyev told Forum 18. "But Anar doesn't want his mother to see him in prison."

Conscientious objectors amnestied

Of the two known imprisoned conscientious objectors, Fakhraddin Mirzayev was amnestied on 22 May after eight months' imprisonment and Kamran Mirzayev (no relation) was amnestied on 20 June after three months' imprisonment, Jehovah's Witnesses told Forum 18.

The amnesty was approved on 7 May by parliament, the Milli Mejlis, to mark what would have been the late President Heydar Aliyev's 90th birthday. Prisoners who fell under the terms of the amnesty had their cases reviewed and were gradually released.

Both conscientious objectors had been imprisoned under Article 321.1 of the Criminal Code. This states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]". Both were arrested in the courtroom and imprisoned once their verdicts were handed down.

Fakhraddin Mirzayev, a 20-year-old Jehovah's Witness from Gyanja, was sentenced at Gyanja's Kapaz District Court on 25 September 2012 to one year's imprisonment. On 21 November 2012 Gyanja Appeal Court upheld the decision of the lower court (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

Fakhraddin Mirzayev's next appeal, at Azerbaijan's Supreme Court in Baku, was heard on 4 June, after his release. However, a panel of three judges chaired by Judge Imran Hajigayibov rejected his appeal, Jehovah's Witnesses told Forum 18. They noted that the written decision had still not been issued as of 28 June.

Forum 18 could not find out why the written decision has not yet been issued. Telephones at the Supreme Court went unanswered each time Forum 18 called on 27 and 28 June.

Fakhraddin Mirzayev was included in the 22 January 2013 list of political prisoners in Azerbaijan prepared by Christoph Strässer, Rapporteur of the Council of Europe Parliamentary Assembly Committee on Legal Affairs and Human Rights (Doc. 13079 Add).

Kamran Mirzayev is an 18-year-old Jehovah's Witness who lived in Baku, but is originally from the town of Goychay [Göyçay] in central Azerbaijan. He was sentenced to nine months' imprisonment on 12 March at Goychay Court (see F18News 14 May 2013 http://www.forum18.org/archive.php?article_id=1834).

Kamran Mirzayev appealed to Sheki Appeal Court, but on 15 May a panel of three judges chaired by Judge Humbat Salimov rejected his appeal, Jehovah's Witnesses told Forum 18.

Appeals to the European Court of Human Rights

Three former imprisoned conscientious objectors have lodged cases to the European Court of Human Rights in Strasbourg:

Mushfiq Mammedov and Samir Huseynov v. Azerbaijan (Application No. 14604/08);

and Farid Mammedov v. Azerbaijan (Application No. 45823/11).

All three had been convicted under Criminal Code Article 321.1. However, no admissibility decisions have yet been taken, the Court told Forum 18 on 12 June. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at 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.

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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