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AZERBAIJAN: Four days incommunicado at secret police – so far

By Felix Corley, Forum 18

The NSM secret police has been holding two Muslims incommunicado since 12 April, including a man who offered his Baku home for a Muslim study session, Muslims who know them told Forum 18 News Service. Eldeniz Hajiyeve and fellow Nursi reader Ismayil Mammadov were seized after an armed police raid on the meeting. Forum 18 was unable to reach anyone at the NSM secret police in Baku to find out where the men are being held and why. Nine others present were fined more than three months' average wages each. Fined the same day by the same court was a Shia Muslim theologian who had been teaching his faith in the same Baku district. Azerbaijan has tight government controls on exercising the right to freedom of religion or belief. Meetings for worship or religious education, or selling religious literature without state permission are banned and punishable.

Four days after a 12 April armed police raid on Muslims studying the writings of the late Turkish Sunni Muslim theologian Said Nursi, the home owner Eldeniz Hajiyeve and another person present Ismayil Mammadov are still being held incommunicado by the National Security Ministry (NSM) secret police, fellow Nursi readers told Forum 18 News Service from Azerbaijan's capital Baku. Nine others who attended the Baku meeting have already been fined.

Also fined by the same court on the same day to punish him for teaching his faith was a Shia Muslim theologian. His lawyer says he will be appealing against the fine, "even to the European Court of Human Rights".

The raids come as the State Committee for Work with Religious Organisations has prepared Regulations for the Implementation of Control Measures over Religious Communities. These seem set to tighten still further the government control over all aspects of religious communities (see below).

Azerbaijan has constructed a complex labyrinth of steadily increasing "legal" restrictions on and punishments for exercising freedom of religion or belief. Unregistered religious activity, publication or distribution of uncensored religious literature and unapproved religious education are all banned and punishable. The aim appears to be to help impose state control of society, including any independent civil society activity, and to make all exercise of human rights dependent on state permission (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Orhan Ali, spokesperson for the State Committee, has told Forum 18 he does not answer questions by telephone. On 16 April Forum 18 asked him in writing: whether writings by Said Nursi - including his 14-volume collection of writings Risale-i Nur (Messages of Light) - are banned in Azerbaijan; if so, who banned them and when; why groups of Muslims who meet to study his writings were raided in Baku and Goychay and individuals punished; why the Shia Muslim teacher was punished; and why new regulations to inspect religious communities and their activities are needed.

Forum 18 had received no response by the end of the working day in Baku on 16 April.

First Yasamal District raid

At about lunchtime on 12 April, police in Baku's Yasamal District raided a private home where Shia Muslim theologian Zulfuqar Mikayilzade (also known as Mikayilov) was teaching his faith to two groups of about ten people each, one group of men and one of women, his lawyer Rustam Zulfuqarov told Forum 18 from Baku on 16 April.

"Haji Zulfuqar is a theologian who knows the Koran by heart," the lawyer stressed. "He teaches his faith to adults on a voluntary basis – they choose to come or not and they don't have to pay anything." He said officers accused Mikayilzade of forming an unregistered Muslim community and teaching Islam without state permission.

Police took Mikayilzade, his driver and a journalist who was present to the police station, where they were held for 10 hours. They were not freed until 11 p.m.

Shia teacher fined

Mikayilzade was summoned to Yasamal District Court on 14 April. Judge Akshin Efendiyev found him guilty under Administrative Code Article 299.0.1 and Article 299.0.2, his lawyer Zulfuqarov told Forum 18. Mikayilzade was fined 2,000 Manats (15,000 Norwegian Kroner, 1,800 Euros or 2,500 US Dollars). This sum represents nearly five months' average wages, according to the State Statistics Committee.

Article 299.0.1 punishes "religious leaders who fail to register their communities with the state". Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies".

"We consider the decision was illegal – this was a violation of freedom of religion, speech and assembly, above all freedom of religion," Zulfuqarov complained to Forum 18. He said as soon as they get the written court decision they will lodge an appeal to Baku Appeal Court. They are prepared to take the case to the European Court of Human Rights in Strasbourg if necessary, he added.

Zulfuqarov said neither Mikayilzade's driver nor the journalist was brought to trial.

Second Yasamal District raid

Police raided a private home owned by Hajiyev in Baku's Yasamal District on the evening of 12 April, according to Nursi readers and a statement the same day on the Interior Ministry website. A religious meeting was underway attended by 39 adult men and two of their children.

"These were not just ordinary police, but a special team who raided the house," a Nursi reader who asked not to be identified for fear of state reprisals told Forum 18 from Baku. "They broke down the doors and had automatic weapons in their hands."

Officers told those attending the religious meeting that they had to have registration as a religious organisation before they were legally able to meet, the Nursi reader complained. Officers seized all the religious literature they could find, including hundreds of books by Nursi. They also seized individuals' mobile phones.

Almost all of those present were forced into three waiting buses and taken to the police station. Many were held there for two days. "Relatives were worried, because they could not get hold of them by phone and had no idea where they were," a Nursi reader who knows those who were detained told Forum 18. When they found out where they were, they were able to bring them some food as they were given nothing to eat at the police station."

Officers forced the detainees to sign records of an offence. One detainee had to be taken to hospital in an ambulance after suffering shock brought on by violence from a police officer Adalet Aliyev, the Nursi reader said.

Secret police take two men

Hajiyev and Mammadov were taken by the NSM secret police. "No one knows where they are or where they have been taken," Nursi readers complained. As of the evening of 16 April, they had heard no news of them.

Forum 18 was unable to reach anyone at the NSM secret police in Baku to find out where the men are being held and why.

Meanwhile, police remain outside Mammadov's house in Baku. "Now they are patrolling in front of the house and no one is allowed to enter," Nursi readers told Forum 18.

Nine Nursi readers fined

Nine of the men present on 12 April were summoned to Baku's Yasamal District Court for hearings on 14 April, the same day that Mikayilzade was fined. Various judges at the court found that each had violated Article 12 of the Religion Law. Each was fined 1,500 Manats under Article 299.0.2 of the Administrative Code. The court hearings were closed, one Nursi reader lamented to Forum 18 from Baku.

No official comment

The assistant to Yasamal District Police chief Ismayil Asadov, who would not give his name, insisted the initiative for the raid on the Nursi readers came "from above", not from the police chief, he told Forum 18 on 16 April. He then refused to discuss anything else, including the raid on the teaching session led by Mikayilzade. He referred Forum 18 to another Yasamal District Police number. However, the man who answered the phone – who would not give his name – refused to give any information and put the phone down.

Forum 18 was thus unable to get a response to claims that Officer Aliyev allegedly used violence against one of the detainees at Yasamal District police station. Forum 18 was also unable to reach Officer Aliyev.

The man who answered the phone of Nizami Huseynov, the representative of the State Committee for Baku, confirmed to Forum 18 on 16 April that the Yasamal District raids and subsequent fines had taken place. However, he then said that he was not Huseynov, that Huseynov was out of the office, and that he knew nothing. He then put the phone down.

First Goychay raid

Police in the central city of Goychay raided a meeting in a private home owned by Zakiriyya Mamedov, where Nursi readers were discussing his writings on Islam. However, after talking to those present, officers admitted there had been a "misunderstanding", apologised and left, a Nursi reader familiar with the events told Forum 18 from Baku.

Second Goychay raid

However, on 11 April, a day or two after the first raid, Goychay police returned to Mamedov's home in a "special operation". A meeting was underway, attended by up to 70 people, including many from other parts of Azerbaijan and several visiting from Turkey. Police "discovered and removed" 545 copies of "the banned book Risale-i Nur of the Nurchu sect", other publications and 61 Nursi-related discs, the Interior Ministry noted on its website on 14 April. Also seized were computer and mobile phone memory cards.

Officers also took "an optical gun sight, a souvenir knife, a bullet from an automatic gun, 27 shooting targets, as well as military clothing and a world map". The Baku-based Nursi reader insisted to Forum 18 that these items were for hunting.

On 14 April police raided the Goychay home of one of those who had been present three days earlier, Ilham Hamidov. Officers discovered and seized 20 copies of Risale-i Nur.

Police detained all these and forced them to write statements about what they had been doing. They were then released.

The home owner Mamedov was fined 200 Manats for "resisting the police" (Administrative Code Article 310.1), as he had refused to open the door to the police on 11 April, Nursi readers told Forum 18. "He did not want to let them in because they had no warrant for the raid."

"I know nothing"

Goychay's police chief Faiq Ilyasov denied that any raid had taken place. "It wasn't an operation," he told Forum 18 on 16 April. Told that the Interior Ministry website had described it as a "special operation", he then said: "I know nothing." He then put the phone down.

Nizami Mammadov, the State Committee representative for Shirvan region, whose responsibilities include Goychay District, similarly claimed no knowledge. "I don't know anything," he told Forum 18 from Agdash on 16 April. "I can't say anything." He too put the phone down.

"Special religious meetings" punished

Among other recent cases, Baku resident Rasul Ismayilov was punished in early 2014 by Baku's Binagadi District court under Administrative Code Article 299.0.3. This punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups". Punishment for individuals is a fine of 1,500 to 2,000 Manats.

Ismayilov appealed to Baku Appeal Court. However, on 8 April Judge Faiq Qasimov rejected his appeal against the punishment, the court website notes.

One fine, one case dropped

Police in Baku's Narimanov District, accompanied by officials of the Police Public Security Directorate, raided two local shops where religious literature was on sale without permission. Forty "banned" religious books and ten disks were seized from a shop owned by Revanur Albukayr, the Interior Ministry website noted on 14 February. Nineteen religious discs were seized from a shop owned by Arzuman Piriyeu.

Punishments are regularly imposed on those who sell religious literature which has not been approved by the State Committee and for which they do not have a licence from the State Committee. They can be prosecuted under Administrative Code Article 300.0.3, which punishes "selling religious literature, religious objects and information material in places not approved by the State Committee for the sale of such religious material". Individuals face a maximum fine of 2,500 Manats (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

On 28 February, Judge Mazahir Sadiqov of Narimanov District Court fined Albukayr 2,200 Manats under Article 300.0.3.

However, when Piriyeve was brought to Narimanov District Court on 19 March under Article 300.0.3, Judge Turqay Huseynov closed the case, the court website notes.

New control regulations

The aim of the new State Committee Regulations for the Implementation of Control Measures over Religious Communities is to "ensure the legality of the activity of religious communities and give them legal assistance", an unnamed Committee official told the local Trend news agency on 15 April.

The new Regulations would regulate more closely two types of control measures: "check-ups and inspections", the official added. "Check-ups" would examine whether religious communities are acting in accordance with the law and their registered statute, whether they are using "illegal or harmful religious literature", and whether they "allow religious hatred or discrimination in their propaganda".

When violations are found, the State Committee would offer "recommendations" to bring activity into line with the law. In cases of "serious law-breaking", administrative cases could be sent to court or other legal measures used.

The State Committee is giving a group of its employees "special training" on these new measures, it told Trend news agency. (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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