

23 February 2015

AZERBAIJAN: Latest secret police prisoners – two female Jehovah's Witnesses

By Felix Corley, Forum 18

In a sudden closed hearing on 17 February, a Judge in the Azerbaijani capital Baku ordered two female Jehovah's Witnesses to be held for three months in the National Security Ministry secret police investigation prison, according to the decisions seen by Forum 18 News Service. Irina Zakharchenko and Valida Jabrayilova face up to five years' imprisonment if convicted of offering religious literature without state permission. "Under our laws, spreading religious books is banned," Colonel Isfandiyar Mehbaliyev, head of the District Police in Pirallahi, where the women were initially detained, told Forum 18. He refused to say if this means that the state regards offering religious literature to others as dangerous and a threat to state security. On 18 February a Judge in Sumgait sentenced Sunni Muslim Zohrab Shikhaliyev to six months' imprisonment on weapons charges. His friends insisted to Forum 18 that police planted the weapons to punish him for maintaining a prayer room in his home. Sumgait has no Sunni Muslim mosque.

Amid a widening crackdown on religious, political and social activity the Azerbaijani government does not like, two female Jehovah's Witnesses have been ordered held in the National Security Ministry (NSM) secret police investigation prison in the capital Baku until 17 May. Irina Zakharchenko and Valida Jabrayilova are being investigated on criminal charges of going from door to door offering religious literature without state permission, according to the court decisions seen by Forum 18 News Service. They face up to five years' imprisonment if convicted.

Colonel Isfandiyar Mehbaliyev, head of the District Police in Pirallahi, where the women were initially detained, defended the case against them. "Under our laws, spreading religious books is banned," he told Forum 18 from the town on 23 February. Asked whether the transfer of the criminal case to the NSM secret police means that the state regards offering religious literature to others as dangerous and a threat to state security, Colonel Mehbaliyev refused to respond. "I have work to do," he said and then put the phone down.

On 18 February, a court in the town of Sumgait [Sumqayit] north of Baku handed down a six-month prison term on a Sunni Muslim for maintaining an open prayer room in his home. Zohrab Shikhaliyev has already been held for more than three months in pre-trial detention, so he has nearly three months left to serve (see below).

Yaqt Aliyeva, spokesperson for the State Committee for Work with Religious Organisations, refused absolutely to discuss anything with Forum 18 on 19 February. Asked about various cases, she responded: "What's it to do with you?" before putting the phone down. All subsequent calls went unanswered.

"Two innocent women"

Fellow Jehovah's Witnesses have complained about Zakharchenko and Jabrayilova's imprisonment. "This is a gross violation of the human rights of two innocent women, who are currently imprisoned because of their religious beliefs," they complained to Forum 18 from Baku on 20 February. "The court's decision contradicts both Azerbaijani and international law." They point out that the right to share one's faith with others in public has been repeatedly protected by the European Court of Human Rights in Strasbourg.

The two women are facing charges under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years.

Four of the five Muslims whose trial began at Baku's Yasamal District Court on 10 December 2014 and is still continuing are similarly being prosecuted under Article 167-2.2.1. All five are also facing charges under Criminal Code Article 168. Three of the five were held for up to five months in 2014 in the same NSM secret police investigation prison in Baku (see below).

This is the first time Jehovah's Witnesses have been imprisoned on criminal charges not connected to refusal to serve in the armed forces, Forum 18 notes.

Many Muslims are in prison or on trial for exercising their right to freedom of religion or belief. The largest single group consists of those imprisoned to punish them for protesting on the streets of Baku in October 2012 against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. Nine are still imprisoned (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

In recent years the only non-Muslim prisoners of conscience jailed for exercising the right to freedom of religion or belief have been Jehovah's Witness conscientious objectors to compulsory military service, Forum 18 notes. In recent years several Protestant Christians have also served prison sentences to punish them for 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).

Secret police Investigation Prison

The NSM secret police Investigation Prison – where Zakharchenko and Jabrayilova are being held and where the three Muslims were held in 2014 - is on the upper floor of the main NSM building in Baku.

It was among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit. "Our reports remain confidential until the government concerned requests publication," a Committee official told Forum 18 from Strasbourg on 6 January 2015. "Azerbaijan has not yet done this."

In the days after their 17 February detention, the women's relatives (Zakharchenko's son and Jabrayilova's mother) came to the investigation prison to try to meet them. They also hoped to hand on soap, underwear and other essentials, Jehovah's Witnesses told Forum 18. However, prison officials told them they could only meet their relatives on the visiting days of Tuesdays and Fridays and they must be accompanied by their lawyer to be allowed access.

Jehovah's Witnesses added that they do not know if Zakharchenko and Jabrayilova are allowed to have any religious literature with them.

The prison address:

Milli Tahlükasizlik Nazirliyinin

Istintaq Tacridxanası

Parlament Prospekti 14

Baku AZ-1006

Azerbaijan

Detained while discussing their faith

Trouble began for Jehovah's Witnesses Zakharchenko, a 54-year-old pensioner, and 37-year-old Jabrayilova on 5 December 2014. They were going from door to door to discuss their faith and offer copies of Jehovah's Witness publications in Pirallahi, a town of 16,000 on a narrow peninsula east of the capital. The two women "distributed religious literature without charge, thus illegally distributing it without appropriate permission to do so", the subsequent court decision – seen by Forum 18 – noted.

That same day, a local resident allegedly filed a complaint with Pirallahi District Police, the court decision adds. She claimed that the two women she did not know "after providing religious information about Jehovah God, presented her with the religious publication 'Teach Your Children' without charge, and recommended she study and share this religious publication without the appropriate permission". The court ruling does not explain why the resident felt it necessary to complain to the police after holding a discussion on religious themes with visitors, who offered her a religious book.

The decision notes that Zakharchenko and Jabrayilova also approached three other local residents.

However, the State Committee for Work with Religious Organisations - which implements the compulsory state censorship of all religious literature published in or imported into Azerbaijan - approved import of this publication on 11 August 2014. State Committee Deputy Chair Gunduz Ismayilov authorised the State Customs Committee to allow the import of 2,000 copies of the book.

The authorisation, seen by Forum 18, reports the State Committee's expert study as concluding: "In the examination of the samples of religious literature, submitted for analysis to the experts, ideas that could have a negative impact on the religious situation in the

country have not been detected and therefore permission to import these may be granted."

Criminal case, sudden imprisonment

Since December 2014, Zakharchenko and Jabrayilova were not under arrest, but were several times summoned to the police and then the NSM secret police for questioning, Jehovah's Witnesses told Forum 18.

A criminal case against the two was opened under Criminal Code Article 167-2.2.1 on 17 February 2015, the court decision notes. The case was originally in the hands of the General Prosecutor's Office, but was then taken over by the NSM secret police.

That same day, the two women were ordered to come to the NSM secret police in Baku at 10 am. No reason was given for the renewed summons. However, later that day they were taken to Baku's Sabail District Court. "They didn't know a court hearing had been scheduled," Jehovah's Witnesses complained to Forum 18. "It was all very fast."

At 5 pm that evening, they were brought before Judge Rauf Ahmadov at a closed hearing. He authorised Zakharchenko and Jabrayilova's pre-trial detention at the NSM secret police investigation prison for three months, the decisions note.

The Judge accepted the urging of Chief Investigator Matlab Mehdiyev that pre-trial detention was necessary in view of "the nature of the criminal act, the degree of seriousness of the act; if left at large she would hide from the authority conducting the criminal proceedings, would be able to commit the act prescribed in the criminal law again, and hinder the finding of objective truth in the case".

Objections by both the women and their lawyer, Shams Ayyubova, that pre-trial detention was not necessary were rejected.

Zakharchenko and Jabrayilova lodged appeals on 20 February to Baku Appeal Court against Judge Ahmadov's decisions, Jehovah's Witnesses told Forum 18. No date has yet been set for the appeals to be heard.

Forum 18 was unable to reach Judge Ahmadov on 23 February. His assistant, who did not give his name, said he was in a hearing. "We can't give any information," the assistant added. "Talk to the investigator."

Forum 18 was unable to get a number for Chief Investigator Mehdiyev. The NSM secret police information office refused to discuss anything with Forum 18 on 23 February.

Six months' imprisonment for prayer room

Meanwhile, on 18 February, the final day of the month-long trial, Judge Azer Ismayilov of Sumgait City Court found 36-year-old Sunni Muslim Shikhaliyev guilty of keeping illegal weapons and ammunition in his Sumgait home under Criminal Code Article 228.1. This carries a punishment for having illegal weapons of imprisonment of up to three years. Judge Ismayilov handed down a six-month term of imprisonment, Shikhaliyev's friends told Forum 18 from Baku after the verdict was announced.

The criminal trial began in late January. Shikhaliyev's friends have vehemently denied the charges to Forum 18, insisting that the weapons the authorities claim to have found in his home were planted.

"Given conditions in Azerbaijan, Zohrab and his lawyer regard this as a victory," one friend told Forum 18, pointing out that Shikhaliyev could have received a far longer prison term. "As he has already spent more than three months in pre-trial detention, he will have less than that still to serve. So he probably won't appeal against the sentence."

Forum 18 was unable to reach Judge Ismayilov. The main telephone at the Court went unanswered on 23 February.

Until the verdict enters into force, which might take up to another month, Shikhaliyev is likely still to be held in the Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District, his friends told Forum 18.

Shikhaliyev's prison address is:

AZ-1104, Baki shahari

Sabunchu rayonu

Zabrat-2 qasabasi

Baki Istintaq tacridxanasi

Azerbaijan

Police raid on prayer room

Shikhaliyev established a Sunni Muslim prayer room in his home more than two years ago as no other Sunni mosque exists in Sumgait. The government is hostile to Sunni Muslims and has aided efforts to turn exclusively Sunni mosques into Shia-dominated communities, working with the state-backed Caucasian Muslim Board (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

The most recent mosque to be forcibly taken from Sunni control and handed over to new, state-backed management, is in Qobustan in Baku (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

Shikhaliyev was arrested in Sumgait by the Police Department for the Fight Against Organised Crime and Sumgait Town Police on 13 November 2014. The same day armed and masked police raided his home. Police claim to have discovered a Walther pistol and three bullets, 48 other bullets of various calibres, three grenades, six detonators and two memory cards from security cameras. They also claim to have seized 500 items of religious literature and 210 discs. Others detained for several hours the same day Shikhaliyev was arrested – including two invalid veterans of the Karabakh war - complain that police officers beat and humiliated them (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

On 15 November 2014, Baku's Narimanov District Court ordered Shikhaliyev's detention for two months in pre-trial custody as criminal charges were being investigated (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Baku criminal trial of five Muslims continues

The long-running trial of the five Muslims under Judge Akshin Afandiyev at Baku's Yasamal District Court continues, with the latest hearing on 23 February. "There are so many witnesses, and it will take some time for the court to get through all of them, perhaps till the end of March," the lawyer for four of the defendants Asabali Mustafayev told Forum 18 from Baku on 21 February.

Four of the five Muslims - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

The five are being punished after a massive armed police raid on a religious meeting in Hajiyev's Baku home in April 2014. Officers seized religious books, money and mobile telephones. Almost all the 39 adults and two children present were taken to the police station for questioning. Hajiyev and Mammadov were held in the NSM secret police Investigation Prison since April 2014, Sabzaliyev since May, before being transferred to house arrest in September (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

As well as the arrests on criminal charges, nine other attendees were each fined 1,500 Manats (then about 11,400 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars) at Yasamal District Court in April 2014 for their attendance at the meeting (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948). (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>.

See also Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan at: http://nhc.no/content/uploads/2018/07/Rapport2_15_Aserbajdsjan_web.pdf

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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