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AZERBAIJAN: Three Muslim prisoners of conscience jailed for 15 to 6 months for selling books

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

Three of five Sunni Muslim prisoners of conscience arrested in Azerbaijan's capital Baku in February have been jailed for selling books and other religious items which have not undergone state censorship. All five Muslims are associated with the Lezgin Mosque, which the government wants to forcibly close. Azad Qafarov was given a 15-month jail term, Habibullah Omarov a one-year jail term and Salim Qasimov a six-month jail term, fellow Muslims who know them told Forum 18 News Service from Baku on 8 July. The criminal trials continue of the other two prisoners of conscience of the group, Eyvaz Mammadov and Lezgin Mosque Imam Mubariz Qarayev. Including the five Sunni Muslims, eight prisoners of conscience are being held in the NSM secret police Investigation Prison because of their faith. The other three are Jehovah's Witnesses Irina Zakharchenko and Valida Jabrayilova – who on 4 July were ordered to be held for two more months - and Shia Muslim Jeyhun Jafarov, who was on 9 July ordered to be held for four more months.

Three of five Sunni Muslims arrested in Azerbaijan's capital Baku in February have been given prison terms for selling books and other religious items which have not undergone the state censorship. Azad Qafarov was given a 15-month prison term, Habibullah Omarov a one-year prison term and Salim Qasimov a six-month prison term, fellow Muslims who know them told Forum 18 News Service from Baku on 8 July.

The criminal trials continue of the other two of the group, Imam Mubariz Qarayev and Eyvaz Mammadov.

All five prisoners of conscience have been accused of selling books and other religious items illegally. They are also associated with the Sunni Lezgin Mosque in Baku's Old City which the government intends to forcibly close (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Imam Qarayev led prayers and preached at the Mosque.

Including the five Sunni Muslims, eight prisoners of conscience are being held in the National Security Ministry (NSM) secret police Investigation Prison in Baku because of their faith. The five Sunni Muslim prisoners of conscience were arrested by the NSM in February and have been held since then, along with two Jehovah's Witness prisoners of conscience and one Shia Muslim prisoner of conscience (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

On 4 July a Baku court added two more months of pre-trial detention to the two Jehovah's Witness prisoners of conscience in the NSM Investigation Prison, Irina Zakharchenko and Valida Jabrayilova. On 9 July the same court added another four months of pre-trial detention to the Shia Muslim prisoner of conscience in the Investigation Prison, theologian and translator Jeyhun Jafarov (see below).

In a separate case in Gadabay Region of western Azerbaijan, the host of a meeting of Sunni Muslims was given a very large fine in early June and 13 other Muslims were fined for alleged "hooliganism". The fines followed a police raid on a meeting to study the works of Islamic theologian Said Nursi (see F18News 13 July 2015 http://www.forum18.org/archive.php?article_id=2080).

In late June, Azerbaijani border authorities denied entry to Georgian Orthodox priest Fr Demetre Tetrushvili, who has served the only two Georgian Orthodox parishes in Azerbaijan with state permission to exist for the past four years. With no priest, the local Georgian Orthodox community in Azerbaijan cannot now celebrate the liturgy or receive other sacraments (see F18News 13 July 2015 http://www.forum18.org/archive.php?article_id=2080).

These human rights violations are part of a wider continuing state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect.

Trials, prison sentences

All five Sunni Muslim prisoners of conscience had run several shops selling books and other religious items in Baku's Narimanov and Yasamal Districts. All are also associated with the Sunni Lezgin Mosque in Baku's Old City which the government intends to

forcibly close (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Imam Qarayev led prayers and preached at the Mosque.

All the five Sunni Muslim prisoners of conscience are being tried under Criminal Code 167-2.1. 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". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats, or up to two years' imprisonment.

Four of the cases (Qafarov, Omarov, Qarayev and Mammadov) were handed over for trial in early May to Baku's Narimanov District Court. Qasimov's case was handed to Yasamal District Court as this was where his shop was based.

Qafarov's trial at Narimanov District Court was the first to begin, with a preliminary hearing under Judge Turqay Huseynov on 18 May, according to court records. The trial proper began on the morning of 29 May, with further hearings on 8 and 19 June and 3 and 6 July. Qafarov denied any wrongdoing.

Judge Huseynov found Qafarov guilty at the final hearing on 6 July and handed down a 15-month prison term.

Omarov's trial at Narimanov District Court began next, with a preliminary hearing under Judge Rashad Abdulov on 19 May. The trial proper began on the morning of 27 May, with further hearings on 9, 19 and 30 June and 7 July. Omarov denied any wrongdoing.

Judge Abdulov found Omarov guilty at the final hearing on 7 July and handed down a one-year prison term.

Qasimov's trial took place at Yasamal District Court under Judge Azer Tagiyev. He denied any wrongdoing.

Because Qasimov has eight young children, Judge Tagiyev gave him a six-month prison term on 2 July.

Trials of two prisoners of conscience continue

Imam Qarayev's trial at Narimanov District Court began with a preliminary hearing under Judge Huseynov on 22 May. However, the Prosecutor told the hearing that day that preparation of the case had not been completed and asked for the hearing to be postponed. The second preliminary hearing was held on 27 May. The trial proper began on the morning of 8 June, with further hearings on 19 June and 3 and 6 July.

Imam Qarayev denies any wrongdoing. The prosecutor is demanding the maximum two-year prison sentence, his friends told Forum 18.

Mammadov's trial at Narimanov District Court began with a preliminary hearing under Judge Abdulov on 26 May. The trial proper began on the morning of 10 June (with a different Judge), with further hearings with Judge Abdulov on 19 and 24 June and 3 July. Mammadov denies any wrongdoing.

Prison transfers?

Following their convictions, prisoners of conscience Qafarov, Omarov and Qasimov are likely to have been transferred from the NSM Investigation Prison in Baku to Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District, their friends told Forum 18.

Prisoners of conscience Imam Qarayev and Mammadov remain in Baku's NSM Investigation Prison as their trials continue, the same prison where Jehovah's Witnesses prisoners of conscience Zakharchenko and Jabrayilova and Shia Muslim prisoner of conscience Jafarov are being held. The prison is located on the upper floor of the main NSM secret police building in Baku. The address is:

Milli Tahlikasizlik Nazirliyinin

Istintaq Tacridxanasi

Parlament Prospekti 14

Baku AZ-1006

Azerbaijan

Four more months of secret police detention

On 9 July, Judge Elshad Shamayev of Baku's Sabail District Court granted the prosecutor's suit to extend by four months the pre-trial detention of 43-year-old Shia Muslim prisoner of conscience Jafarov. He can now be held at the NSM Investigation Prison until 11 November. "Jeyhun's lawyer Javad Javadov intends to appeal against this extension to Baku Appeal Court," his friends told Forum 18 the same day.

Prisoner of conscience Jafarov was arrested on 10 March to punish him for exercising his right to freedom of religion or belief by being a translator of Islamic works and public broadcasts. The NSM secret police is investigating him on charge of treason under Criminal Code Article 274. If tried and convicted, he faces imprisonment of between 12 years and life (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

The same Judge Shamayev ordered that prisoner of conscience Jafarov be held in four months' pre-trial detention in March. Judge Shamayev also facilitated the government's pre-trial detention in 2014 and 2015 of other Muslim and Jehovah's Witness prisoners of conscience on grounds of religion or belief. He has refused to answer questions about his repeated jailings of prisoners of conscience (see F18News 9 April 2015 http://www.forum18.org/archive.php?article_id=2054).

Two more months of secret police detention

On 4 July, Baku's Sabail District Court granted the prosecutor's suit to extend by two months the NSM secret police pre-trial detention of the two female Jehovah's Witness prisoners of conscience, 54-year-old Zakharchenko and 37-year-old Jabrayilova, Jehovah's Witnesses told Forum 18 from Baku on 10 July. They can now be held at the NSM Investigation Prison until 17 September.

Prisoners of conscience Zakharchenko and Jabrayilova were arrested on 17 February to punish them for talking to residents near their homes about their faith in December 2014. They were ordered held in pre-trial detention for three months. The Judge noted that neither has previously been convicted, but held that their activity represented a "threat to the public" (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The investigation against both female prisoners of conscience continues 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. The prisoners of conscience' appeal against their pre-trial detention was rejected on 26 February (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

Sabail District Court extended the two women's detention by a further two months in May. Defence attempts to have them transferred from prison to house arrest while the investigation continues have been rejected (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

As part of the investigation of the criminal case, the NSM secret police has summoned and interrogated at least 20 other Jehovah's Witnesses and searched at least 10 homes (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048). Additionally, NSM secret police officers, officials of the State Committee for Work with Religious Organisations, and the police searched the Kingdom Hall where the women worship.

Jehovah's Witnesses have expressed particular concern about Zakharchenko. "Doctors classify her as being 80 per cent disabled because of severe arthritis and a previous injury to her right leg," they note. In addition, they are worried about both women's emotional well-being after nearly five months' NSM secret police imprisonment.

Zakharchenko is a widow. Jabrayilova is the prime care-giver for her mother.

As with all the other NSM secret police prisoners of conscience, relatives are denied any meetings with Zakharchenko and Jabrayilova (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Pastoral visits by religious leaders have also been refused. Relatives are allowed to hand in parcels for them of clothes, medicine and soap only once a month. "In an effort to offer comfort, family members have tried to provide them with a Bible, but the NSM has refused permission," they lament.

Jehovah's Witnesses have raised the cases of the two women with the United Nations Office of the High Commissioner for Human Rights and other international bodies.

Red Cross

Jehovah's Witnesses have learnt that the International Committee of the Red Cross (ICRC) had enquired about Zakharchenko and Jabrayilova's health. They have been told that the NSM secret police told the ICRC that the women were well and that there was no cause for concern.

Asked by Forum 18 about any measures it has undertaken in relation to Zakharchenko, Jabrayilova and the other NSM secret police

prisoners of conscience, the ICRC Delegation responded on 10 July: "The ICRC does not comment publicly on the conditions of detention and on the treatment afforded to detainees. The findings of the ICRC are confidential and shared only with the authorities in charge of the place of detention." (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/archive.php?article_id=2081.

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 the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan at: http://www.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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