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AZERBAIJAN: "Residents wanted to worship. Instead, they came face to face with police truncheons"

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

Three Sunni Muslims face possible criminal prosecution with punishment of up to three years' imprisonment, one of the three and two others were given prison terms of up to five days and others were fined. The punishments followed a secret police raid on a meeting about religion in a cafe in the Azerbaijani capital on 22 October. The following day Shia Muslims in the second city Gyanja were detained after trying to enter the Friday Mosque for Friday prayers to mark Tasua, the day before the Ashura commemoration. They came "face to face with police truncheons", a letter to the State Committee for Work with Religious Organisations complained. The letter complained that the city authorities had ordered closed that day all but one of the city's mosques. But Hasan Mammadov, a consultant on social and political issues at Gyanja City Administration, denied the closure of any mosques. He insisted to Forum 18 News Service that police arrested only those intent on conducting an "illegal" march for which they had not sought permission.

A meeting of Sunni Muslims in a Baku cafe was raided on 22 October and more than 40 participants detained, with three being handed up to five day prison terms and others fined, Forum 18 News Service has learned. Three (including one of the short-term prisoners) face possible criminal prosecution. Shia Muslims were detained in Azerbaijan's second city Gyanja [Gäncä] the following day while trying to enter the city's Friday Mosque closed by the police. The Muslims were seeking to mark Tasua, the day before the Ashura commemoration, a day of mourning for Shia Muslims.

Police ordered closed four of Gyanja's five functioning mosques that day with no warning and no explanation, local Muslims complained, though an official denied this to Forum 18.

Officials from the Police, the National Security Ministry (NSM) secret police, the Prosecutor's Office and the State Committee for Work with Religious Organisations have all refused to discuss with Forum 18 why individuals cannot meet to discuss their faith or try to enter a place of worship on a major religious commemoration, and why officials summarily ordered places of worship closed.

Only an official of Gyanja City Administration was prepared to talk to Forum 18. Hasan Mammadov, a consultant on social and political issues, claimed that no mosques had been closed in the city on 23 October. "About 35 Muslims were praying in the Friday Mosque – I was there and I observed them," he told Forum 18 on 28 October. "All the other mosques were functioning on Friday, on Saturday, on Sunday." He insisted police arrested only those intent on conducting an "illegal" march for which they had not sought permission.

The obstructions to the exercise of the right to freedom of religion or belief came as conscientious objector to military service Kamran Shikhaliyev is awaiting what seems likely to be his final appeal hearing at Baku Appeal Court on 29 October (see F18News 19 November 2015 http://www.forum18.org/archive.php?article_id=2123). He is appealing against a sentence of more than a year in a punitive military battalion handed down by a Baku court on 18 August. This was the second sentence imposed on him under the same Criminal Code Article 335.1 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Meanwhile, for more than 18 weeks, the two state registered Georgian Orthodox parishes in Gakh Region have been denied permission to have a priest and thus to hold any liturgies, weddings or funerals). Azerbaijan's Border Service denied re-entry to Azerbaijan to the only Georgian Orthodox priest allowed to serve in the country, Fr Demetre Tetrushvili, on 21 June (see F18News 8 September 2015 http://www.forum18.org/archive.php?article_id=2097).

Raid, detentions

In a joint operation on the evening of 22 October, the NSM secret police, ordinary police and Prosecutor's Office officials raided the Farkli Lahmacun (Pizza with a Difference) cafe in Baku's Yasamal District where a group of Muslims had gathered in the basement for a religious meeting. The meeting was being held in the run-up to Ashura, marked this year on 24 October. For Sunni Muslims the day itself is marked by fasting.

The Interior Ministry, of which the police is a part, claimed on its website on 22 October that officers had discovered religious books "promoting religious hatred and intolerance in Islam". It said that 42 people had been detained, several of them children. Three of them would face criminal prosecution while administrative cases had been opened against others.

Forum 18 tried to find out why a meeting to discuss a faith was raided by the NSM secret police, police and Prosecutor's Office. The duty officer at Yasamal District Police insisted to Forum 18 on 27 October that "it was the NSM only that was involved, not the police".

Police and NSM secret police frequently raid meetings for worship and discussion of a faith and participants are often punished. Five Sunni Muslim prisoners of conscience were given prison terms of up to five years, five months by a Baku court on 7 October for participating in a meeting for worship and religious study in a Baku home raided by armed police in April 2014. They were punished under Criminal Code Article 168 (which three of those detained on 22 October are being investigated under), as well as for distributing religious literature which has not undergone the state's strict pre-publication religious censorship (see F18News 8 October 2015 http://www.forum18.org/archive.php?article_id=2109).

Similar raids on Sunni Muslim and Jehovah's Witness meetings continue, with punishments including fines and deportations (see F18News 29 September 2015 http://www.forum18.org/archive.php?article_id=2106).

The officer who answered the phone at Yasamal District NSM secret police repeatedly claimed to Forum 18 that it was a wrong number. The official who answered the phone at Yasamal District Prosecutor's Office put the phone down as soon as Forum 18 asked about the court cases it had prepared against participants in the 22 October meeting.

Anar Kazimov, the regional representative for Baku of the State Committee, similarly refused to explain to Forum 18 on 27 October why the religious meeting had been raided and prison terms and fines handed down as punishments for exercising the right to freedom of religion or belief.

The man who answered the phone on 28 October of Nahid Mammadov, head of the "Expertise" (Censorship) Department at the State Committee, repeatedly put the phone down when Forum 18 asked if the books seized at the 22 October meeting had been handed to his Department.

Fines, short-term prison terms

Three participants in the meeting at the cafe were subsequently punished under Article 310.1 of the Administrative Code. This punishes "wilful refusal to obey the lawful demand of an official" with a fine of 200 Manats (1,600 Norwegian Kroner, 170 Euros, or 190 US Dollars) or up to one month's imprisonment.

In hearings at Baku's Yasamal District Court, Sadiq Hasanov and Kamran Mustafayev each received a five-day prison term. Anar Qadirov received a four-day prison term, APA news agency noted on 27 October. Other participants received fines, APA added, without specifying any names or what "offences" the participants were alleged to have committed.

One Muslim who knows some of the defendants told Forum 18 on 26 October that fines of 200 Manats were handed down to other participants.

The chancellery at Yasamal District Court told Forum 18 on 27 October that it is "not allowed to give any information by telephone".

Criminal cases opened

The Interior Ministry identified Mustafayev, as well as Adil Rajabov and Zaur Shabanov, as "organisers of the illegal meeting". It said on 22 October that criminal cases had been opened against the three men under Criminal Code Article 168.2.

This 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 such as this, when children are involved, are prosecuted under Article 168.2, which carries a maximum punishment of three years' imprisonment (see Forum 18's April 2012 Azerbaijan religious freedom survey at http://www.forum18.org/archive.php?article_id=1690).

The NSM secret police press office told haqqin.az news website on 23 October that investigators were checking on whether Mustafayev, Rajabov and Shabanov had been recruiting radicals as volunteers to fight in Syria and Iraq. The website is known for carrying information some government agencies want to see published.

Rajabov is well-known among Azerbaijan's Sunni Muslims as a former assistant imam at Baku's Abu Bekr Mosque, whose sermons

and talks are often posted on the internet. The authorities forcibly closed this Mosque down after it was hit by a grenade attack on 17 August 2008 that killed three people, also injuring the imam Gamet Suleymanov. The authorities have repeatedly prevented this, and several other Sunni mosques in Baku and Gyanja, from reopening (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Originally from the northern town of Zakatala, Rajabov was given a 20-day prison term there in May 2014, Muslims in Baku who know him told Forum 18 on 26 October. He was officially punished for "resisting the police", but in reality the punishment was for teaching in a local mosque.

Detained on the way to Mosque

Police in the north-western city of Gyanja stopped Shia Muslims as they marched towards the Friday Mosque (also known as Shah Abbas Mosque) on the morning of 23 October as they hoped to join Friday prayers on the day of Tasua. Tasua marks the day before Ashura. On this day, Shia Muslims commemorate the death of the grandson of the Muslim Prophet Muhammad at the Battle of Karbala.

Only when they got to the mosque did the Muslims discover that the police had ordered it closed. Many waited two hours in the hope that Friday prayers would be allowed to take place, as a subsequent protest letter from local Muslims complained (see below).

Police officers instructed the Muslims to stop what they claimed was an "illegal" march, Gyanja Police told Inews.az the same day. Police said some of the Muslims heeded the warning. When others refused to do so, officers arrested them. They were taken to the police station and forced to write statements.

Gyanja police told haqqin.az news website later on 23 October that Interior Ministry troops had conducted the operation to stop the "march". Police had detained 26 "radical Islamists" who had participated. It claimed those detained had also planned another commemoration march on Ashura, 24 October.

A mosque member told the same website that officials had refused to allow the Friday Mosque to sound the azan (call to prayer) or to hold Friday prayers. An eyewitness gave a similar account to Radio Free Europe's Azerbaijani Service, while social media carried video of the police action.

Forum 18 tried to find out from Gyanja Police why officers or Interior Ministry troops had prevented those waiting to enter the Mosque for Friday prayers and detained those present. The duty officer at Gyanja Police refused to pass Forum 18's call to any other officer on 27 October and put the phone down. The officer who answered the telephone of the head of Gyanja Police told Forum 18 each time to call back in half an hour.

Asif Aliyev, regional representative of the State Committee for Gyanja, put the phone down on 27 October as soon as Forum 18 asked why the mosque had been closed for prayers and Muslims waiting to enter for prayers had been detained.

Commemorations "only at mosques"

The authorities have in recent years tried to obstruct any religious activity outside the walls of a state-registered place of worship. This includes mourning processions along the streets to commemorate Ashura. Shia Muslims had in the past often held such processions.

In August 2008 a "temporary" ban on praying outside all mosques in the country was imposed, whose text has apparently never been made public. It is still in force, even if some Mosques fail to abide by the unpublished order (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

The authorities have been nervous about large numbers of Muslims gathering at Mosques during Ashura. Police have intermittently tried to prevent such gatherings, as happened in and near Baku, Yevlakh and Lenkoran in December 2011 (see F18News 13 April 2012 http://www.forum18.org/archive.php?article_id=1689).

In the run-up to Ashura this year, State Committee officials and other officials repeatedly insisted that commemoration events could take place only at mosques, not in public places.

Mubariz Qurbanli, chair of the State Committee, repeated this insistence following the 23 October police action against the Muslims in Gyanja, which he insisted had been an attack on the Mosque. He claimed the order banning Ashura commemorations anywhere other than in closed premises or mosques came under a fatwa (religious ruling) from the state-backed Caucasian Muslim Board.

"Residents wanted to enter the mosque to worship. Instead, they came face to face with police truncheons"

Following Qurbanli's remarks, a group of unnamed local Muslims wrote to him at the State Committee to criticise his claims that

local Muslims had attacked the Mosque. "Dozens of people witnessed the incident, there were photos and videos," they told him. "Everyone knows this is not true."

The text of the letter, carried by the Iranian-registered tashaio.com news website on 27 October, said Muslims arrived at the Friday Mosque in time for the Tasua prayers at noon. But police prevented them from entering for two hours as they imposed the ban decreed by the head of the city administration, Elmar Valiyev. "Residents wanted to enter the mosque to worship. Instead, they came face to face with police truncheons," the Muslims complained to Qurbanli.

Four of five Mosques closed for worship

The Muslims complained to Qurbanli that the Friday Mosque was among four of Gyanja's five state-registered mosques ordered closed for prayers on 23 October, though with no prior announcement. Only the mosque at the Imamzade mausoleum some distance from the city centre was allowed to open that day for prayers. "Why are mosques closed in the face of the city's inhabitants? On what grounds did Gyanja police ban going to the mosque?" the Muslims ask. "The police ban was not based on any law."

The Muslims blame these and other problems they face exercising their right to freedom of religion or belief on city administration chief Valiyev, who was appointed to the post in February 2011. They call on Qurbanli to visit Gyanja, including the Friday Mosque, and to hear the problems at first hand before giving his opinions.

Many religious communities in Gyanja have faced harassment for their religious activity and even bans. The only Sunni mosque, known as the Albanian Mosque, in the city's Shahsevenler district was closed without explanation in 2009. Following the ban, some community members were officially warned for holding prayers in private homes. Three Protestant Christian communities (Star of the East Pentecostal Church, a Baptist congregation and the New Apostolic Church) were banned from meeting for worship in March 2011, in one case riot police being deployed to ensure that a congregation could not meet in their church (see F18News 20 July 2012 http://www.forum18.org/archive.php?article_id=1723).

Mammadov, the City Administration official, told Forum 18 the Sunni Mosque had been closed and turned into a library "because no one attended it", a claim Sunni Muslims rejected to Forum 18 at the time. He also said that the city's Seventh-day Adventist Church still exists but that the Baptist community "no longer exists", a claim Baptists reject. He said he had never heard of the Pentecostal or New Apostolic congregations in the city. (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>.

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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