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AZERBAIJAN: One more sentenced prisoner of conscience

By Felix Corley, Forum 18

Shia Muslim imam and prisoner of conscience Nuhbala Rahimov has been given an 18-month sentence and his mosque taken over, and Taleh Bagirov faces more criminal charges. The UN Working Group on Arbitrary Detention and the Committee Against Torture have condemned the government's record.

Shia Muslim imam and prisoner of conscience Nuhbala Rahimov from Nardaran, near Azerbaijan's capital Baku, was given an 18-month prison term on 27 May, apparently without a trial, Forum 18 notes. His mosque has been taken over by the authorities, who are imposing stronger than usual restrictions on freedom of religion and belief in the village of Nardaran. Shia Muslim theologian and head of the Muslim Unity Movement, prisoner of conscience Taleh Bagirov has had more criminal charges of murder and attempting to commit crime added to his case. And another prisoner of conscience and deputy head of the Muslim Unity Movement, Imam Elchin Qasimov, has failed in his bid to be transferred from prison to house arrest as he awaits criminal trial. Other prisoners of conscience remain under investigation in detention (see below).

Both the United Nations (UN) Working Group on Arbitrary Detention and the UN Committee Against Torture have in separate reports strongly condemned the government's record (see below).

All three prisoners of conscience – Rahimov, Bagirov (also known as Bagirzade) and Qasimov (also known as Qasimli) – have spent more than six months in pre-trial imprisonment since their late 2015 arrests on violence-related charges. "These people didn't commit any violence," journalist and former prisoner of conscience Khadija Ismayilova told Forum 18. "The government sees them as a threat because they are popular and they are not controlled by the government." They are among many sentenced prisoners of conscience or former prisoners of conscience punished for exercising their right to freedom of religion or belief (see below).

"These people didn't commit any violence"

"These people didn't commit any violence," journalist and former prisoner of conscience Khadija Ismayilova told Forum 18 from Baku on 18 June. "The government sees them as a threat because they are popular and they are not controlled by the government."

Human rights defender Ismayilova is now serving a three and a half year suspended sentence after being freed from prison on 25 May when the Supreme Court reduced her sentence from seven and a half years' imprisonment. She is still barred from leaving Baku or the country. Her release from jail followed widespread international protests, and her conviction is seen as punishment for her journalism on corruption and human rights issues.

Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, asked on 1 December 2015 if the Muslim Unity Movement had killed or proposed killing anyone, replied to Forum 18: "No" (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

Raid, arrests

Prisoner of conscience Bagirov was among many people arrested as the authorities stormed a home in Nardaran on 26 November 2015. During the raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience. More villagers were detained later (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

"We are today the only organisation in Azerbaijan whose entire leadership has been arrested on trumped-up charges," Imam Bagirov said in a 23 February 2016 statement from prison (see F18News 27 April 2016 http://www.forum18.org/archive.php?article_id=2173).

Ongoing human rights crackdown

The criminal prosecutions are part of an ongoing government campaign to crush the Muslim Unity Movement, which was

established in January 2015. Bagirov was chosen as its leader while he was imprisoned on earlier charges which his supporters insist were fabricated (see F18News 27 April 2016 http://www.forum18.org/archive.php?article_id=2173). It is also part of a continuing wider state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect. This has led to the arrests of many lawyers, journalists, human rights defenders and public figures the government dislikes, including Muslims and Jehovah's Witnesses exercising their freedom of religion or belief, and a conscientious objector to military service (see eg. F18News 29 January 2016 http://www.forum18.org/archive.php?article_id=2144).

The government bans any exercise of freedom of religion and belief by groups of people without state permission. It also does not allow religiously-inspired political parties or NGOs to gain such permission via state registration (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

United Nations Working Group condemns violations of rights

Prisoner of conscience Rahimov was sentenced, according to the court, on 27 May 2016, the day after the United Nations Working Group on Arbitrary Detention condemned "the severe limitations placed on the work of human rights defenders, journalists, political opponents and religious leaders" which it observed during its 16-25 May visit to Azerbaijan.

"The Working Group holds the view that human rights defenders, journalists, political and religious leaders continue to be detained under criminal or administrative charges as a way to impair the exercise of their basic human rights and fundamental freedoms and to silence them," the Working Group stated in its preliminary findings of the visit. "These practices constitute an abuse of authority and violate .. the rule of law that Azerbaijan has agreed to comply with."

The UN Working Group's preliminary findings also strongly criticised the authorities' practice of arresting and punishing individuals on lesser administrative charges, and then bringing far more serious criminal charges (as happened to Rahimov, Qasimov and many others).

The Working Group condemned individuals' at times long pre-trial imprisonment. "The national judicial authorities are to ensure that the pre-trial detention of an accused person does not exceed a reasonable time," it told the Azerbaijani authorities.

The Working Group noted that during its May visit, it had received "a large number of testimonies" from current or recent prisoners of torture and ill-treatment while in custody of various agencies. "The interviewees described having a gun pointed at their head, severe beatings, sometimes lasting several hours, verbal abuse and psychological pressure, practices such as standing on one's knees for long hours, threats of physical and sexual abuse as well as threats to arrest family members" (see <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20021&LangID=E>).

The Working Group on Arbitrary Detention found in December 2015 that two Jehovah's Witness female prisoners of conscience – Irina Zakharchenko and Valida Jabrayilova – were being detained since February 2015 to punish them for exercising their right to freedom of religion or belief. It called for them to be freed and compensated. In January 2016 the two prisoners of conscience were convicted of offering one religious booklet without the compulsory state permission and given a large fine. At the same time the fine was waived and the women freed, but they were not compensated for their wrongful imprisonment as the Working Group had demanded (see F18News 29 January 2016 http://www.forum18.org/archive.php?article_id=2144).

Rahimov: 18-month sentence – but "no record of the trial"

On 27 May, Nuhbala Rahimov, Shia Muslim prayer leader of Rahima Hanum Mosque in Nardaran, was given a sentence of 18 months' imprisonment, local media reported that day, citing Baku's Sabunchu District Court. Press reports did not say when the trial started, who his lawyer was or what Criminal Code article or articles he was sentenced under.

Mystery also surrounds the sentencing. "I went to Sabunchu District Court and the official opened up the court site and could find no record of the trial," human rights defender and former political prisoner Elshan Hasanov told Forum 18 from Baku on 2 June. "Nor was there any data on any trial of Nuhbala in the court archive."

After further investigation, Hasanov told Forum 18 on 11 June that on 27 May, Rahimov was not taken from Kurdakhani Investigation Prison to Sabunchu District Court and that no hearing took place that day at Sabunchu District Court. "He was simply handed the prepared verdict directly in the prison. This is illegal."

Human rights defender Hasanov told Forum 18 that he thinks the authorities warned Rahimov's relatives not to complain about or appeal against the prison term, and in return he would be included in a prisoner amnesty.

It does not appear that Rahimov has appealed against his sentence to Baku Appeal Court. He was not included in the prisoner amnesty declared by parliament on 20 May and which began to be implemented in mid-June. No prisoners of conscience appear to have been freed under the amnesty.

Forum 18 was unable to reach Sabunchu District Court (which moved to a new building in November 2015). Nor could Forum 18 identify Qasimov's lawyer (believed to have the first name Rafik).

Imam Rahimov was arrested at the mosque he led on 7 December 2015, about 10 days after the government assault on Nardaran during which at least seven people died (see F18News 9 December 2015 http://www.forum18.org/archive.php?article_id=2131). Prisoner of conscience Rahimov was initially given a 30-day jail term under the Code of Administrative Offences, and Sabunchu District Court then imposed four months pre-trial detention after prosecutors opened a criminal case against him (see F18News 27 January 2016 http://www.forum18.org/archive.php?article_id=2143).

The authorities then forcibly closed the Rahima Hanum Mosque Rahimov led, along with Nardaran's three other mosques (see F18News 26 January 2016 http://www.forum18.org/archive.php?article_id=2142).

The criminal case against Rahimov was originally completed in February 2016 and sent to Sabunchu District Court for trial. However, in late March it was returned to prosecutors for further work. Meanwhile, just before his four-month term of pre-trial imprisonment expired in mid-April, Sabunchu District Court renewed it for a further four months (see F18News 27 April 2016 http://www.forum18.org/archive.php?article_id=2173).

Prisoner of conscience Bagirov: new charges added

Prisoner of conscience Taleh Bagirov was among many people arrested as the authorities stormed a home in Nardaran on 26 November 2015. During the raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience. More villagers were detained later (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

More criminal charges of murder have been added to those prisoner of conscience Bagirov is already facing. The head of the Muslim Unity Movement marks his 32nd birthday on 23 June 2016. Prosecutors added further charges under Criminal Code Article 120 ("Murder") and a new charge under Article 29 ("Intent to commit a crime"). These relate to the deaths as the authorities stormed the home in Nardaran on 26 November 2015.

Bagirov was already facing numerous other serious criminal charges under at least 10 Criminal Code Articles brought by the General Prosecutor's Office's Serious Crimes Investigation Department. These included Article 120 ("Murder"), Article 214 ("Terrorism"), Article 220 ("Mass disorder"), Article 228 ("Illegal purchase, transfer, selling, storage, transportation and carrying of firearms, accessories to firearms, ammunition and explosives"), Article 233 ("Organisation of actions promoting infringement of the social order or active participation in such actions"), Article 278 ("Violent attempts to seize power"), Article 279 ("Creation of illegal armed formations or groups"), Article 281 ("Public appeals for violence directed against the state"), Article 283 ("Inciting national, racial or religious hatred"), and Article 315 ("Use of violence, resistance with the use of violence against a representative of authority in connection with performance of official duties by him, or the use of violence not dangerous to life or health concerning his close relatives, as well as threat of the use of such violence") (see F18News 27 January 2016 http://www.forum18.org/archive.php?article_id=2143).

Prosecutors completed the criminal case against Bagirov at the end of May, one of his lawyers Elchin Sadiqov told APA news agency on 31 May. The lawyer added that he would be familiarising himself with the case materials. No trial date has yet been set.

"Taleh's criminal case has been separated from that of Elshan Mustafayev," another of Bagirov's lawyers Javad Javadov told Forum 18 from Baku on 21 June. "His case is now connected with that of Natiq Karimov, though there is no proof of anything."

Torture

On 3 November 2015 police arrested and tortured prisoner of conscience Bagirov, just a week before the 11 and 12 November consideration of Azerbaijan's record under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) at the UN Committee Against Torture (see F18News 12 November 2015 http://www.forum18.org/archive.php?article_id=2120).

The CAT's Concluding Observations adopted on 26 November were highly critical, noting "numerous and persistent allegations that torture and ill treatment are routinely used by law enforcement and investigative officials", and that between 2010 and 2015 "not a single individual was prosecuted" despite 1,996 separate complaints to the authorities. The CAT also noted that this "is a strong indication that investigations into allegations of torture are not conducted in a prompt, efficient and impartial manner" (see CAT/C/AZE/CO/4 <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CAT/C/AZE/CO/4&Lang=E>).

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Azerbaijan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has also strongly criticised Azerbaijan's record (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Imam Bagirov was later released by police. Following his next arrest during the authorities' assault on Nardaran on 26 November (the same day the CAT's Concluding Observations were adopted), prisoner of conscience Bagirov was tortured by the Interior Ministry's Main Directorate for the Struggle with Organised Crime, sustaining a broken nose (see F18News 27 January 2016 http://www.forum18.org/archive.php?article_id=2143).

After his transfer to the Investigation Prison at Kurdakhani, Bagirov brought a suit to court seeking punishment for those who tortured him. On 23 February 2016, following official obstruction – including refusing to bring him to court while signs of the torture were still visible – he abandoned his suit (see F18News 27 April 2016 http://www.forum18.org/archive.php?article_id=2173).

Prisoners of conscience Mustafayev and Karimov

Prisoner of conscience Mustafayev, who used to work for the state-backed Caucasian Muslim Board, was arrested on 16 December 2014 and remains in pre-trial imprisonment. He faces treason charges under Criminal Code Article 274.

Prisoner of conscience Karimov is an elder in the village of Nardaran. He was arrested in the village on 6 January 2016. Sabail District Court initially ordered he be held in pre-trial imprisonment for four months in the State Security Service (SSS) secret police Investigation Prison. However, on 19 January the same court upheld his appeal and transferred him to house arrest, Caucasian Knot news agency noted. On 2 May at the request of prosecutors, the same court extended his pre-trial house arrest by a further three months, local news agencies reported.

Karimov is accused of collaborating with the secret services of an unspecified foreign state. In December 2015 he protested at the authorities refusal to allow normal Shia Muslim commemorations in Nardaran (see F18News 18 December 2015 http://www.forum18.org/archive.php?article_id=2135).

Prisoner of conscience Qasimov: appeal against pre-trial imprisonment fails

On 23 May 2016, Judge Qail Mammadov of Baku Appeal Court rejected the suit by prisoner of conscience Elchin Qasimov that he should be transferred from pre-trial imprisonment to house arrest, according to court records.

On 23 April, Baku's Nasimi District Court had extended Qasimov's pre-trial imprisonment by a further three months. His lawyer Elnur Nabyev had then challenged the order in the same court, but this was rejected, he told Report.az website. Qasimov then appealed to Baku Appeal Court.

Qasimov, imam of Hazrat Abbas Mosque in the village of Mashtaga on the north-eastern edge of Baku, was deputy head of the Muslim Unity Movement. Baku's Sabunchu District Police arrested him in the village on 5 November 2015 to punish him for criticising the police torture of prisoner of conscience Bagirov two days earlier (see F18News 12 November 2015 http://www.forum18.org/archive.php?article_id=2120).

Qasimov was initially accused of violating Article 310 ("Wilful refusal to obey the lawful demand of a law-enforcement officer") of the then Administrative Code, and sentenced to 30 days' imprisonment.

Prosecutors then opened a criminal case against Qasimov under Criminal Code Article 221.2.2 ("Hooliganism when resisting an official acting to protect the social order or halting a violation of the social order or resistance to another person") and Article 315.1 ("Use of violence, resistance with the use of violence against an official performing his official duties, or the use of violence not dangerous to life or health concerning his close relatives, as well as the threat to use such violence"). Nasimi District Court sentenced Qasimov to three months' pre-trial imprisonment.

Eleven further serious criminal charges were added to the case against Qasimov, including accusations of terrorism and inciting terrorism. Qasimov denies all the charges, according to the lawyer Nabyev.

Held in Kurdakhani

Prisoners of conscience Bagirov and Rahimov both remain in the Justice Ministry Investigation Prison in Kurdakhani, in Sabunchu District in north-eastern Baku. The address is:

AZ-1104, Baki shahari

Sabunchu rayonu

Zabrat-2 qasabasi

Imposing state control of freedom of religion and belief in Nardaran

Following the November 2015 assault, the authorities obstructed the holding of religious events in Nardaran, denied access to Muslim places of worship and forcibly closed mosques, claiming they cannot function without the compulsory state registration (see F18News 26 January 2016 http://www.forum18.org/archive.php?article_id=2142). State employees also removed religious flags and banners, and painted over religious slogans on walls, local media noted.

On 5 December, 10 days after the Nardaran raid, President Ilham Aliyev signed into law rushed legal changes to the Religion Law, the Criminal Code, the Administrative Code and the Citizenship Law – as well as a new "Religious Extremism" Law. They further restrict the right to freedom of religion or belief, among other things banning slogans or religious signs (apart from on a person) and flags outside places of worship (see F18News 16 December 2015 http://www.forum18.org/archive.php?article_id=2134).

Following the closure of at least four of Nardaran's mosques, officials repeatedly claimed that as they did not have state registration it was illegal for them to host prayers. Officials said some could reopen, but only after they have submitted to the state-backed Caucasian Muslim Board and gained the compulsory state registration (see F18News 26 January 2016 http://www.forum18.org/archive.php?article_id=2142).

Officials from the State Committee for Work with Religious Organisations insisted that Bagirov, Rahimov and others had no official status in mosques as they had not been approved by the Caucasian Muslim Board, to which the state grants a monopoly over all Muslim activity in the country.

In what appears to have been a state-organised process, a new community was formed for Nardaran's Rahima Hanum Mosque which drew up a registration application and sent it for approval to the Muslim Board. It approved the application and sent it on to the State Committee, Committee officials told APA news agency on 14 June. The Mosque's former imam Rahimov was arrested at the mosque on 7 December 2015, and on 27 May 2016 was jailed for 18 months (see above).

Officials noted that, if the application is approved after the State Committee has verified it, Rahima Hanum Mosque would be the only registered place of worship in the village - and thus the only legal place for people to meet for worship.

State Committee chair Mubariz Qurbanli noted in December 2015 that Nardaran's Juma (Friday) Mosque had not received re-registration during compulsory re-registration in 2009, while the other mosques had never had registration. He stressed that in order to be allowed to function, the mosques need to form official communities and apply for registration with the Muslim Board. The Muslim Board then needs to send the approved application to the State Committee for it to approve also.

The assistant to Anar Kazimov, the Baku representative for the State Committee, told Forum 18 on 21 June that his boss was out of the office at a conference to celebrate the 15th anniversary of the State Committee's founding. The assistant refused to answer any of Forum 18's questions as to why Muslims in Nardaran are not free to meet for worship as they choose, led by those they choose. (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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