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AZERBAIJAN: Imprisonments, trial and torture of Muslims

By Felix Corley, Forum 18

The criminal trial of Shia Muslim Elshan Mustafaoglu Mustafayev for treason has begun, and Imam Elchin Qasimov (arrested after protesting against torture) has been tortured during his pre-criminal trial imprisonment. Shia Muslim Inqilab Ehadli remains in prison hospital in Baku in a "poor state".

Nineteen months after his December 2014 arrest, the criminal trial of Shia Muslim Elshan Mustafaoglu Mustafayev on treason charges has begun in Azerbaijan's capital Baku. He faces life imprisonment if convicted. The trial is closed because of the need to "protect state secrets", the court claims. He rejects the accusations. Mustafayev is one of many Shia Muslims now on trial or awaiting trial for exercising the right to freedom of religion or belief by encouraging approaches to Islam outside state control.

Imam Elchin Qasimov, who led a Shia mosque on the edge of Baku and is deputy head of the Muslim Unity Movement, has again failed to have his pre-trial imprisonment changed to house arrest. Prisoner of conscience Qasimov was arrested in November 2015 after he protested at the torture of Imam Taleh Bagirov. Qasimov has himself now been tortured by police and faces a range of serious criminal charges which could lead to life imprisonment if convicted (see below).

Inqilab Ehadli, another of the many Shia Muslims imprisoned as an alleged supporter of the Muslim Unity Movement (which among other things encourages Islam outside state control), was returned to prison hospital in Baku from the State Security Service (SSS) secret police Investigation Prison on 25 July 2016 in a "poor state" after an apparent heart attack. He has been under arrest since January under investigation on treason charges (see below).

The most high-profile criminal trial of prominent Shia theologians is that of Muslim Unity Movement leader, Taleh Bagirov (also known as Bagirzade), and 17 others. The full trial is due to begin on 3 August at Baku Serious Crimes Court, where Mustafayev is also on trial (see F18News 5 August 2016 http://www.forum18.org/archive.php?article_id=2205).

The telephone of the press office in Baku of the SSS secret police went unanswered each time Forum 18 called on 29 July. The SSS – or its predecessor the National Security Ministry (NSM) secret police – arrested most of these Shia Muslims, led the investigations against them, and held them in its Investigation Prison.

Crushing the Muslim Unity Movement

The authorities have been determined to crush the Muslim Unity Movement. The authorities regard it as a key promoter of Iranian-oriented Shia Islam outside the framework of the state-backed Caucasian Muslim Board. Its leaders organised prayers and sermons without asking state permission and often criticised the subservience to the authorities of the Muslim Board.

The state has given the Muslim Board a monopoly over all Muslim exercise of freedom of religion and belief, although this is nowhere enshrined in law (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Imam Bagirov was among many people arrested as the authorities stormed a home in the village of Nardaran north of Baku in 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).

Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, claimed to Forum 18 days after the Nardaran operation that he did not know why it had been needed.

Asked what laws members of the Muslim Unity Movement had broken that caused the authorities to raid while firing weapons, Najafov responded: "If they hadn't violated the law the operation wouldn't have been launched. They've done wrong things – they violated established rules." He struggled to explain what rules they had broken.

Asked if the Muslim Unity Movement had killed or proposed killing anyone, Najafov replied: "No" (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

Following the authorities' attack on Nardaran, they forcibly closed several mosques and removed imams from office. The imam of the closed Rahima Hanum Mosque, Nuhbala Rahimov, was given an 18-month prison term on 27 May, apparently without a trial (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2190).

Human rights defender Elshan Hasanov, who visited Nardaran at the end of Ramadan in early July, told Forum 18 that army and police stand outside all the mosques. He said villagers remain "intimidated" (see F18News 27 July 2016 http://www.forum18.org/archive.php?article_id=2202).

Presidential adviser on religion: "I don't know this theme"

Jeyhun Mamedov, the adviser on religion in the Presidential Administration, refused absolutely to explain why the government is arresting and prosecuting so many prominent Shia theologians. Asked by Forum 18 on 29 July if they are being punished for exercising freedom of religion or belief, he responded: "I don't know this theme. I can't speak about it."

Mamedov headed the Expert Analysis [censorship] Department at the State Committee for Work with Religious Organisations until his transfer to the Presidential Administration in 2015. Azerbaijan imposes a highly restrictive censorship regime including pre-publication, bookshop, photocopy shop and postal censorship. State censorship includes a ban on the Old Testament and texts by Muslim theologian Said Nursi (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Mustafayev: treason trial begins

The closed trial of 41-year-old Shia Muslim Elshan Mustafayev began at Baku Serious Crimes Court with a preliminary hearing on 12 July. His lawyer called for the case to be thrown out, but Judge Sabuhi Huseynov rejected this.

Mustafayev's full trial began under Judge Huseynov on 19 July. The former employee of the state-backed Caucasian Muslim Board is being tried on treason charges under Criminal Code Article 274. Punishment for those convicted is 12 to 20 years' imprisonment or life imprisonment, with or without confiscation of property. Mustafayev rejects the accusations, his lawyer Afgan Mamedov told Caucasian Knot news agency after the 19 July hearing.

The assistant to Judge Huseynov, who did not give his name, refused to give Forum 18 any information about the trial on 29 July. The Court told Caucasian Knot that the trial is closed because of the need to "protect state secrets".

Mamedov asked Judge Huseynov at the hearing to transfer Mustafayev to house arrest as the trial continues and to release him from the metal cage in the courtroom. The Judge rejected both appeals. The lawyer added that he had been required to sign a statement not to reveal the content of the trial. "All I can say is that this is a completely empty case, devoid of any legal basis," Mamedov told Caucasian Knot.

At the next hearing on 26 July, Mustafayev categorically rejected the accusations, describing them as "fabricated", his lawyer Mamedov told Caucasian Knot. The trial is due to resume on 2 August.

Prisoner of conscience Mustafayev has been held in pre-trial imprisonment since the then-NSM secret police arrested him on 17 December 2014. He is accused of being a spy for Iran, being recruited in 1992 when he was 17.

Mustafayev studied theology for five years in Iran in the 1990s, before returning to Azerbaijan to work in the Philosophy Institute of the National Academy of Sciences. In 2011 Mustafayev was a co-founder of the Initiative Group for the Support of the Human Rights of Religious Citizens. This helped organise a petition to President Ilham Aliyev against the 2010 ban on women wearing the hijab (headscarf) in schools and universities.

In the 2010s Mustafayev worked for two years in Norway. Following his return in early 2014, he began working for the Muslim Board. He also broadcast on religious themes on television.

Although Mustafayev was one of its employees, the Muslim Board has always refused to discuss his arrest.

Organisation closes following Mustafayev's arrest

In 2001 Mustafayev established the Appeal to Moral Purity organisation, a Muslim group to counter drug-taking and alcoholism, which taught the tenets of Islam – including seminars on family life and the haj pilgrimage to Mecca.

The Appeal to Moral Purity organisation was run by about 20 active volunteers from small offices in northern Baku. It gained state

registration with the Justice Ministry as a non-governmental organisation in 2007.

However, following Mustafayev's December 2014 arrest the organisation ceased its activities and its website disappeared. "The closure was because of financial difficulties," one former member told Forum 18 from Baku on 26 July. "There were no instructions from the authorities." It appears the authorities have not been to court to liquidate the organisation.

Qasimov: appeal against 3 more months' imprisonment rejected

On 28 July, Judge Ahmad Hasanov of Baku Appeal Court rejected the appeal by prisoner of conscience and deputy head of the Muslim Unity Movement, Imam Elchin Qasimov (also known as Qasimli), against continued imprisonment in pre-trial detention. His lawyer Elnur Nabiyeu also told Turan news agency the same day that Qasimov's appeal to be transferred to house arrest was again rejected.

Imam Qasimov was appealing against the decision by Baku's Nasimi District Court on 16 July to hold him in pre-trial imprisonment for a further three months.

Tortured by police

"In the initial days after his arrest, Qasimov was subjected to torture at the police," another of his lawyers Elchin Qambarov told Caucasian Knot after the 16 July hearing. "He has serious problems with the functioning of his internal organs." The lawyer complained that maltreatment did not stop after his transfer to the Investigation Prison. "Despite his health problems, they sent him without any basis to the punishment cell."

His lawyer Qambarov insisted that Imam Qasimov's testimony in the case files incriminating himself were extracted under torture.

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

Under the United Nations (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 strongly criticised Azerbaijan's record (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

The UN Working Group on Arbitrary Detention and the UN Committee Against Torture have both also condemned the government's record (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2190)

Accusations

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. He denies all the charges, according to the lawyer Nabiyeu.

Qasimov's pre-trial imprisonment has been repeatedly extended and applications to be transferred to house arrest repeatedly rejected (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2190).

If convicted, Qasimov faces up to life imprisonment. Given the severity of the charges he is being investigated under, he can be held in pre-trial imprisonment for up to 20 months.

Ehadli: in "poor state" in prison hospital

Inqilab Ehadli, one of the many Shia Muslims imprisoned as an alleged supporter of the Muslim Unity Movement, was returned to prison hospital in Baku on 25 July in a "poor state", human rights defender Hasanov told Forum 18 on 27 July. "They transferred

Inqilab by ambulance because of his critical state - he was suffering from a heart attack and high blood sugar levels."

Ehadli, who is 58, was already in poor health when arrested in January and transferred to the SSS secret police Investigation Prison. Prison staff refuse to release him on compassionate grounds, saying they were told to arrest him so they did so, Hasanov added.

Following his transfer to prison hospital earlier in the year, Hasanov expressed fears that Ehadli was close to death (see F18News 27 April 2016 http://www.forum18.org/archive.php?article_id=2173).

However, the prison authorities transferred Ehadli back to the SSS secret police Investigation Prison in May, despite his poor health, Hasanov added.

Police in his home town of Salyan south-west of Baku summoned Ehadli on 20 January for questioning related to the November 2015 Nardaran events. Officers searched his home but, human rights defender Hasanov noted, found nothing incriminating.

Despite this, police handed Ehadli over to the SSS secret police where he is being investigated under Criminal Code Article 274 on charges of alleged treason. He was immediately ordered held for four months in pre-trial detention at the SSS Investigation Prison in Baku without any court hearing. The law requires pre-trial detention orders to be made by a court. A further detention order of three months pre-trial detention order was later added.

Ehadli, who has four children, is a former deputy chair of the Islamic Party, which gained state registration in 1991 which the Supreme Court revoked in 1995. However, he resigned from his party position more than two years ago because of failing health. (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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