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AZERBAIJAN: Prisoners tortured, authorities deny torture happened

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

The trial of 18 Muslims accused of serious violent crimes, which they and human rights defenders deny, began on 3 August. Many encouraged Islam outside state control. They have testified to being tortured, but the authorities have not arrested and tried the officials concerned.

The trial of 18 defendants accused of a range of serious crimes began on 3 August at the Serious Crimes Court in Azerbaijan's capital Baku. Prominent Shia Muslim and Muslim Unity Movement leader, Imam Taleh Bagirov (also known as Bagirzade), and 17 other defendants – some of whom have little connection to him - could face life imprisonment if convicted. Many are on trial for reasons connected with their exercise of freedom of religion and belief, for encouraging Islam outside state control (see below).

Many have testified in court that they were tortured by the Interior Ministry's Main Directorate for the Struggle with Organised Crime in Baku. The authorities have denied that the torture took place, and have not followed their international human rights obligations to arrest and try officials suspected of torture (see below).

The authorities claim that the defendants intended and committed violence, but have not produced proof of these claims. The defendants strongly deny them, as has a presidential adviser shortly after an armed assault by the authorities on the village of Nardaran. One defendant's "crime" was to point out that the authorities' violence, which resulted in at least seven deaths, and to call for the villagers and defendants to be allowed their full legal rights (see below).

The trial of the 18 Muslims is due to resume on 10 August. In addition to Bagirov, they are: Shamil Abdulaliyev, Bahruz Askarov, Jahad Balakishiyev, Farhad Balayev, Abbas Huseynov, Aqil Ismayilov, Etibar Ismayilov, Jabbar Jabbarov, Rasim Jabrayilov, Ibrahim Khudaverdiyev, Zakir Mustafayev, Ali Nuriyev, Fuad Qahramanli, Abbas Quliyev, Abbas Tagizada, Javad Valiyev and Ramin Yariyev. They are being held 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

Baki Istintaq tacridxanasi

Azerbaijan

Who is violent?

Many of those on trial, including Imam Bagirov, were arrested during or immediately after an armed assault by the authorities on the village of Nardaran, north of Baku. During the 26 November 2015 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. The raid was a major escalation of the authorities' attempts to suppress the Muslim Unity Movement (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

The authorities claim the Muslim Unity Movement under Imam Bagirov was planning an armed uprising and had collected weapons. Many of the 18 are accused of terrorism and related crimes (see below). However, five days after the Nardaran attack, Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, told Forum 18 that the Muslim Unity Movement had not killed or proposed killing anyone. He also could not explain what, if any, laws they might have broken (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

After the preliminary hearing on 19 July, Elchin Sadiqov, the lawyer for Imam Bagirov, told Caucasian Knot that no evidence was present in the indictment proving that anyone in the village had fired guns at the authorities during their assault on Nardaran. Nor was any evidence included that the two dead men the authorities say were police officers worked for the police. Sadiqov had asked during the hearing for the two men's police files to be included in the case materials.

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).

"These people didn't commit any violence," journalist and former prisoner of conscience Khadija Ismayilova told Forum 18 in June. "The government sees them as a threat because they are popular and they are not controlled by the government" (see F18News 22 June 2016 http://www.forum18.org/archive.php?article_id=2190).

One of those on trial is an opposition politician, Fuad Qahramanli, Deputy Head of the Popular Front party. He is accused of violating Criminal Code Articles: 220.2 ("Appeals for active insubordination to the legal demands of representatives of authority and to mass disorders, as well as appeals to violence against citizens"); 281.1 ("Public appeals by an individual for violence directed against the state"); and 283.2.1 ("Inciting with violence or the threat of violence national, racial or religious hatred").

The nature of his "crimes" was to publish a Facebook commentary denouncing the assault on Nardaran, suggesting that the government among other motives intended to persuade the international community that it was countering alleged "terrorism" and so justify the continuance of the dictatorship. The commentary noted that "such inhuman behaviour" as the raid encourages violence, and called for Nardaran's villagers and those detained to be given their full legal rights.

The government's politically-binding Organisation for Security and Co-operation in Europe (OSCE) human dimension commitments make a similar point, repeatedly stating that respect for human rights and the rule of law are essential for peace and security (see http://www.forum18.org/archive.php?article_id=1351).

Suppressing the Muslim Unity Movement

The authorities have sought to suppress the Muslim Unity Movement since it was established on 13 January 2015 (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127). The state regards it as a key promoter of Iranian-oriented Shia Islam outside the control 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 Board has a state-backed extra-legal monopoly over all Muslim exercise of freedom of religion and belief (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Prisoner of conscience Bagirov facing serious charges

Prisoner of conscience Imam Bagirov – a 32-year-old former prisoner of conscience as well – ignored the state-imposed requirement to be approved by the State Committee for Work with Religious Organisations and the state-backed Muslim Board before being allowed to preach and lead prayers in a mosque. His sermons were often critical of the authorities (see F18News 7 November 2013 http://www.forum18.org/archive.php?article_id=1894).

Shortly before Imam Bagirov's 26 November 2015 arrest in Nardaran, he was briefly arrested and tortured on 3 November and tortured by police as he began to pray. During court hearings he has given testimony of also being tortured after his Nardaran arrest (see below). His Muslim Unity Movement colleague Imam Elchin Qasimli was arrested for protesting against the first November 2015 torture of Imam Bagirov (see F18News 12 November 2015 http://www.forum18.org/archive.php?article_id=2120). Prisoner of conscience Qasimli was himself then tortured and is still under arrest in pre-trial detention (see F18News 29 July 2016 http://forum18.org/archive.php?article_id=2203).

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). No officials appear to have been arrested or tried for torturing prisoners of conscience Bagirov and Qasimli, officials instead denying that torture happened (see below).

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).

Prisoner of conscience Bagirov is facing serious criminal charges brought by the General Prosecutor's Office's Serious Crimes Investigation Department. These include Article 29 ("Intent to commit a crime"), 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).

Tortured prisoner of conscience Agayev "punished because of his faith"

The lawyer for the defendant in the related case of 36-year-old Elman Agayev (also known as Agazade), insists his client has never visited Nardaran and has had only intermittent contact with Imam Bagirov since they studied Islam together in Iran in the 1990s. A graduate of Baku's Islamic University before his studies in the Iranian city of Qom, Agayev is not an Imam. But he was known in his home town of Lankaran, 300 kms (185 miles) south of Nardaran, as a theologian and expert on the Koran. "He fought against extremism," his lawyer Aliyev insisted to Forum 18. "He is being punished because of his faith."

Agayev, one of about 20 others being investigated for alleged links to the Muslim Unity Movement, "didn't have close contacts with Bagirov", his lawyer Akif Aliyev told Forum 18 from Baku on 25 July. He has never visited Nardaran and has had only intermittent contact with Imam Bagirov since they studied Islam together in Iran in the 1990s, the lawyer added. "Indeed, Elman had warned Bagirov to stay clear of politics." The cases of Agayev and others were separated from that of Bagirov in late June.

Prisoner of conscience Agayev was arrested in Lankaran on the day of the Nardaran assault. On 26 November 2015, the same day as the armed assault on Nardaran 300 kms away, two police officers came to Agayev's Lankaran home. He invited them to join him and other visitors for tea. Then masked officers of the Organised Crime Police raided the home and arrested him. They then transferred him to the Main Directorate for the Struggle with Organised Crime in Baku (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127).

"Elchin was not touched in Lankaran, but once in Baku he was brutally beaten at the Main Directorate for the Struggle with Organised Crime," Agayev's lawyer Aliyev complained to Forum 18. "When he appeared at Baku's Nasimi District Court at the end of November to be placed in pre-trial imprisonment, Elchin could barely stand because of the beatings."

Aliyev said his client was taken from Court back to the Main Directorate for the Struggle with Organised Crime rather than to an Investigation Prison, as officers wanted his bruises to heal.

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 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081). No officials appear to have been arrested or tried for torturing Agayev, officials instead denying that torture happened (see below).

Prisoner of conscience Agayev is being held in pre-trial imprisonment being investigated under Criminal Code Articles: 214.2.1 ("Terrorism committed by preliminary arrangement by a group of persons, an organised group, or a criminal organisation"); 214.2.3 ("Terrorism committed with firearms or an object used as a weapon"); 214-2 ("Public appeals for terrorism"); 228.2 ("Illegal purchase, transfer, selling, storage, transportation and carrying of firearms, accessories to firearms, ammunition and explosives by a group of people with prior conspiracy or repeatedly"); 228.3 ("Illegal purchase, transfer, selling, storage, transportation and carrying of firearms, accessories to firearms, ammunition and explosives by an organised group"); 228.4 ("Illegal manufacture of firearms, accessories to firearms, ammunition and explosives by an organised group"); 233 ("Organisation of actions promoting infringement of the social order or active participation in such actions"); 278 ("Violent attempts to seize power"); 279.3 ("Creation of illegal armed formations or groups leading to the killing of people or other serious consequences"); 281.2 ("Public appeals repeatedly or by a group for violence directed against the state"); and 283.2.3 ("Incitement by an organised group of national, racial or religious hatred").

His lawyer Aliyev told Forum 18 that he expects the investigation to be completed at the end of August 2016, with a trial at Baku Serious Crimes Court possibly in October. "The authorities intend to use the convictions from the Bagirov trial in the next court case."

More torture testimony at Baku mass trial preliminary hearings

The trial of Imam Bagirov and the other 17 defendants began at Baku Serious Crimes Court under Judge Aliyevsat Abasov with a

preliminary hearing on 19 July. The authorities for a time blocked the road outside the court. A group of up to 15 supporters of the defendants were allowed to gather outside, Caucasian Knot news website noted the same day. Only two relatives or friends of each defendant were allowed into the small courtroom, as well as a few journalists and diplomats.

Lawyers for several of the defendants asked for their clients to be freed from prison and transferred to house arrest as the trial proceeded. Among them was the lawyer for Abdulaliyev, who complained that despite his client's injuries, he had been taken directly from hospital to court and then to prison after his arrest in late November 2015. Two of the three bullets that hit him as the authorities raided Nardaran remain in his body. Judge Abasov rejected all the requests for transfer to house arrest.

Defendant Jabbarov complained in the hearing about being tortured at the Main Directorate for the Struggle with Organised Crime. He renounced his state-appointed lawyer, noting that when he had complained of this torture his lawyer "all but began to beat me himself".

Several of the 18 defendants did not have their own lawyers, the local media noted.

A further preliminary hearing was held on 22 July. Lawyers for three further defendants applied for their clients to be transferred to house arrest. Judge Abasov rejected these appeals.

Imam Bagirov told the hearing that he had been tortured over three days in custody of the Interior Ministry's Main Directorate for the Struggle with Organised Crime. Investigators were trying to pressure him to give testimony incriminating two opposition leaders, Popular Front leader Ali Kerimli and National Council of Democratic Forces leader Jamil Hasanli.

"It is one thing to beat or put an electric current through a person," Caucasian Knot quoted Imam Bagirov as telling the hearing. "But we are speaking here of horrific tortures." He said he had resisted all the pressure to give false testimony against the two politicians. He noted that only after his refusal to give incriminating testimony had the authorities arrested the politician Qahramanli using a Facebook post as an excuse.

On 4 August (see below), Imam Bagirov repeated his earlier testimony of being tortured. He said as soon as he was placed in a police car, officers hit him in the face with their rifle butts. Torture continued at the Main Directorate for the Struggle with Organised Crime to such an extent that even the Prosecutor complained. Another of the defendants, Huseynov, similarly confirmed that officers of the Main Directorate for the Struggle with Organised Crime had tortured individuals.

While being tortured by the Main Directorate for the Struggle with Organised Crime, Imam Bagirov sustained a broken nose (see F18News 27 January 2016 http://www.forum18.org/archive.php?article_id=2143).

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 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081). No officials appear to have been arrested or tried for torturing Jabbarov or Imam Bagirov, officials instead denying that torture happened (see below).

"A courageous and steadfast person"

Professor Hasanli, who had attended the 22 July hearing, praised Imam Bagirov to Caucasian Knot as "a courageous and steadfast person" who had shown "how to resist evil".

Prominent film director Rustam Ibragimbekov spoke of the "distressing impression lasting many days" made on him on learning of Bagirov's testimony in court at the 22 July hearing. "The man of God told the judges of the terrible tortures the investigators subjected him to," he wrote in a 28 July commentary for the Contact.az news website. "However, the court ignored the information about the investigators' serious official crimes."

Officer denies torture

An officer of the Main Directorate for the Struggle with Organised Crime in Baku denied absolutely that officers of his service tortured any of the defendants, including Agayev and Imam Bagirov. "There was no torture here, none at all," the officer – who would not give his name because it is a "secret" – insisted to Forum 18 on 4 August. "Our officers did everything in accordance with the law."

The officer – who said he had been present in Nardaran during the authorities' assault on 26 November 2015 and had testified at the trial of the 18 – claimed that the defendants were trying to justify themselves by accusing others. "Do you know what serious crimes they're accused of?" he asked Forum 18.

"They're guilty of the deaths of the two police officers," the officer added. Told that defendants deny any wrongdoing, and the court has not made any determination of innocence or guilt so they enjoy the presumption of innocence, the officer dismissed this.

"They're guilty – I was there."

Full trial begins, prisoners of conscience deny charges

The full trial of Imam Bagirov and the 17 other defendants began on 3 August. The Prosecutor accused the defendants that "with the aim of violently overthrowing the constitutional set-up of the country, the creation of a religious state ruled by Sharia law, they created a movement named 'Muslim Unity'," Caucasian Knot noted. The Prosecutor accused the group of finding supporters across the country and supplying them with weapons. The prosecutor added that the group was holding an "illegal" meeting in Nardaran to plan specific "terrorist" attacks.

Imam Bagirov told the hearing that on 26 November 2015, he and his friends were praying the Friday namaz when the authorities stormed the house in Nardaran where he was (see F18News 1 December 2015 http://www.forum18.org/archive.php?article_id=2127). He insisted that neither he nor his friends put up any resistance to the authorities and added that one of the villagers, Haji Farahim, died not from gunshot wounds but from being beaten to death in a police car.

Imam Bagirov said two dead police officers were killed by the authorities, the lawyer Fariz Namazli told journalists after the hearing.

Popular Front leader Kerimli also said after the hearing that the authorities had tried to incriminate his party in the case. However, despite "incredible tortures", Imam Bagirov had refused to provide testimony to incriminate the party.

The trial continued on 4 August. In his testimony, Imam Bagirov described as "rubbish" accusations that he and his supporters had weapons or were trying to create an Islamic state. He told the court that the two police officers had been killed in careless shooting by other police officers.

Another of the defendants, Huseynov, similarly rejected the charges of storing weapons and preparing to seize power.

The trial of the 18 Muslims is due to resume on 10 August.

Mustafayev's trial continues

Also on trial at Baku's Serious Crimes Court in a separate case is 41-year-old Shia Muslim Elshan Mustafaoglu Mustafayev. His closed trial under Judge Sabuhi Huseynov, which began with a preliminary hearing on 12 July, is due to resume on 9 August, his lawyer Afqan Mammadov told the local media after the 2 August hearing.

Prisoner of conscience Mustafayev is being punished for exercising the right to freedom of religion or belief by encouraging approaches to Islam outside state control. He 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. He faces treason charges which could lead to life imprisonment if convicted (see F18News 29 July 2016 http://www.forum18.org/archive.php?article_id=2203). (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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