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AZERBAIJAN: Government bans religious freedom advocate from UN meeting

By Felix Corley, Forum 18

After being barred from leaving Azerbaijan to attend the United Nations Commission on Human Rights (UNCHR) meeting in Geneva, imam Ilgar Ibrahimoglu Allahverdiev has been banned from crossing the land border to Georgia, he has told Forum 18 News Service. In an address prepared for the UNCHR, Ibrahimoglu asks "If a person cannot choose to believe what he or she wants, how can that person be called truly free, even if he or she can talk about many other things? Freedom of religious belief - and the ability to manifest those beliefs in public - allows us to be honest and truthful with one another, to be truly human with one another. I am confident that in the end, the Azerbaijan government will embrace religious freedom, though the road may be difficult and we may meet many more struggles. Freedom will triumph because the people of Azerbaijan - like the people of every other nation on earth - are human beings created by God to be free."

Three days after he was barred from leaving Azerbaijan to present an address on religious freedom to the United Nations Commission on Human Rights in Geneva, embattled imam Ilgar Ibrahimoglu Allahverdiev had his appeal against his five-year suspended sentence rejected. The collegium of the Supreme Court in the capital Baku, chaired by judge Muzaffar Ahazade, ruled on 5 April to leave his sentence unchanged, Ibrahimoglu told Forum 18 News Service on 12 April. He reported that a few days after the ruling, he was again denied permission to leave, this time across the land border to Georgia, where he was hoping to conduct religious freedom monitoring.

Ibrahimoglu, a Shiite imam, led the community of the historic Juma Mosque in Baku's Old City until the community was violently expelled by police in June 2004 (see F18News 2 July 2004 http://www.forum18.org/Archive.php?article_id=354). The mosque community refused to submit to the authority of the Caucasian Muslim Board as the authorities demanded. Since the expulsion, the mosque has been empty and boarded up. "No renovation work is underway as the authorities claimed would happen, and the building is still fenced in," he told Forum 18. "Our thousands of community members have to pray on their own at home – it's only rarely that we can find anywhere to meet together for worship, and even then it is dangerous."

As part of his human rights work, Ibrahimoglu - a board member of the Islam-Ittihad Society, leading coordinator of religious freedom group Devamm and Secretary General of the Azerbaijani Chapter of the International Religious Liberty Association (IRLA) - had monitored the police crackdown on the protests that erupted on the streets of Baku after the disputed presidential election of October 2003.

Ibrahimoglu was arrested in December 2003 after being accused of organising protest demonstrations against the manipulation of the election, as well as being accused of associating with Iranian revolutionaries and al-Qaida, and later accused of supporting Protestants and the West, and preaching radicalism.

His trial began on 22 March 2004, along with eight opposition activists at Baku's Court for Especially Serious Crimes. On 2 April 2004 Judge Eynulla Veliev found all nine guilty, sentencing Ibrahimoglu to five years' imprisonment, suspended, under Criminal Code Articles 220.1, which punishes participation in mass disorder, and 315.2, which punishes resisting the authorities (see F18News 5 April 2004 http://www.forum18.org/Archive.php?article_id=294). His appeal against the sentence to the Appeal Court was later rejected. The sentence was condemned by Azerbaijani human rights activists, the Baptist Church and the rapporteur of the Council of Europe Parliamentary Assembly monitoring group on Azerbaijan.

Ibrahimoglu complained that on 5 April the supreme court rushed through its decision to affirm the "unfounded and illegal verdicts of the first instance court and the appeal court". Including his three-minute speech, the entire hearing was over in 6 minutes and 18 seconds, he reported. He insists that in monitoring the protests that followed the disputed presidential election "I was simply carrying out my duty as a human rights defender".

Criticising the latest ruling was Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, who sarcastically described the six-minute hearing as "the best illustration of the 'impartiality' and 'fairness' of the Azerbaijani judiciary". Speaking to Forum 18 from Baku on 12 April, he pointed out that last February the Organisation for Security and Cooperation in Europe (OSCE) had

condemned the trials of those detained in the wake of the election – including the trial of Ibrahimoglu - as "not in compliance with a variety of the government of Azerbaijan's OSCE commitments on human rights and rule of law".

Zeynalov pointed out that although some opposition activists welcomed suspended sentences as a "happy outcome", in reality such sentences significantly restricted individual rights. "Participation in an unapproved street rally or meeting would be considered as a 'repeated commission of a crime' and the person would be imprisoned again," he explained to Forum 18. "What's more, it is a serious obstacle for those who are active outside Azerbaijan. In fact, such a suspended sentence means – in today's Azerbaijan - the deprivation of rights, just as happened in the Soviet period."

Ibrahimoglu told Forum 18 he would be taking his case "within days" to the European Court of Human Rights (ECtHR) in Strasbourg, to which Azerbaijan is subject as a member of the Council of Europe. "Unfortunately our judges, instead of being themselves organs of justice, persist in their desire simply to play the role of some kind of formal intermediary link before an appeal to the European Court." (Separate cases about the government closure of the Juma mosque and the Islam-Ittihad Society are already with the ECtHR.)

Aiden Ahazade, head of the Justice Ministry press office, refused to discuss Ibrahimoglu's case, claiming to Forum 18 from Baku on 12 April that he was "not informed" about it. He insisted that courts in Azerbaijan are independent. He also denied any knowledge of the ban on Ibrahimoglu's foreign travel. "Why should we have barred him from leaving?" he asked.

Ahead of his planned visit to Geneva to the 61st session of the Human Rights Commission, Ibrahimoglu informed the authorities of his travel plans on 27 March, although he rejects the authorities' claim that he is required to do under the terms of his sentence (he is required only to give at least five days' notice of any change in residence). However, when he tried to board his Turkish Airlines flight at Baku airport on 2 April border guards denied him permission to leave on justice ministry orders.

The justice ministry confirmed to the Baku Sun that Ibrahimoglu notified them in due time of his travel plans. However, an official told the newspaper on condition of anonymity that on the day of Ibrahimoglu's departure the justice ministry ordered that he be stopped from travelling.

On 5 April, Emilie Kao, Director of International Advocacy at the Becket Fund for Religious Liberty, delivered Ibrahimoglu's address to the human rights commission in his place. Ibrahimoglu's speech described the repeated abuse suffered by the Juma Mosque he leads, including closure of the mosque, and detention and torture of mosque members. "If a person cannot choose to believe what he or she wants, how can that person be called truly free, even if he or she can talk about many other things?" Ibrahimoglu declared in his address. "Freedom of religious belief - and the ability to manifest those beliefs in public - allows us to be honest and truthful with one another, to be truly human with one another."

Ibrahimoglu expressed hope that religious freedom would eventually come to his native country. "I am confident that in the end, the Azerbaijan government will embrace religious freedom, though the road may be difficult and we may meet many more struggles. Freedom will triumph because the people of Azerbaijan - like the people of every other nation on earth - are human beings created by God to be free."

On three previous occasions since August 2004, Ibrahimoglu was prevented from travelling to international human rights meetings outside Azerbaijan. Last autumn he was stopped at Baku airport as he was due to travel to human rights conferences held by the OSCE (see F18News 7 October 2004 http://www.forum18.org/Archive.php?article_id=426). He questioned why although he was freed from prison in April 2004 the travel ban was imposed only four months later after he had already travelled abroad and returned home.

The Becket Fund – which is representing Ibrahimoglu and the Juma Mosque community at the ECtHR - reported on 5 April that when US government officials raised the issue of Ibrahimoglu's de facto travel ban with Ali Hasanov, chief of public policy for President Ilham Aliyev, they were promised that he would be able to travel.

"I don't see any reason why he should be barred from leaving the country," Mats Lindberg, special representative in Azerbaijan of the Council of Europe, told Forum 18 from Baku on 12 April. "We think he should have been allowed to leave for Geneva to address the UN Human Rights Commission." Lindberg said the Council of Europe had not sent monitors to Ibrahimoglu's trial last year, so could not comment on the validity or otherwise of the original verdict.

Zeynalov of the Human Rights Centre said Ibrahimoglu has proved he does not intend to escape from Azerbaijan. "So, what sense and goal are served by depriving him of the opportunity to attend peaceful international events on religious freedom in Europe?" he commented. "If his participation can harm Azerbaijan, then he can and does send his speeches by e-mail and they are distributed there anyway. I consider this behaviour of the government as nothing other than political revenge."

Zeynalov welcomed the decision by Ibrahimoglu and his colleagues to seek justice through the ECtHR. "As a human rights defender, I highly appreciate their attempts to solve their problems in the European legal space," he told Forum 18. "This is their most powerful argument against official propaganda about the 'Iranian factor', 'radicalism' and 'anti-state' direction of their activity.

A positive decision of the European Court would be their significant contribution to democracy in Azerbaijan." (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=92

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>

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