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UN Working Group requests that Azerbaijan release Ms. Zakharchenko and Ms. Jabraylova

Both women are in bad health conditions

HRWF (11.01.2015) – **In its Opinion No 42/2015 concerning Irina Zakharchenko and Valida Jabrayliova (Azerbaijan) published on 15th December 2015, the UN Working Group on Arbitrary Detention asked that Azerbaijan release Irina Zakharchenko and Valida Jabraylova. It determined that Azerbaijan arbitrarily jailed them for peacefully exercising their rights to freedom of religion, discriminated against them based on their religion, and failed to observe international norms of fair trial.** The Working Group's decision is not limited to the women's pretrial detention; any sentence imposed for their religious activity would be arbitrary and discriminatory.

Azerbaijan ignored the UN Human Rights Committee's [earlier request](#) to transfer Irina to a medical facility or to house arrest. On 10th December 2015, one week after the government received the request, the trial judge refused to transfer her. As a result of ten months of detention, she is suffering from the effects of malnourishment, extreme sleep deprivation, and severe psychological pressure. Her health did not permit her to stand trial on 7th January 2016 and the hearing was adjourned to 14th January. Irina has been in a hospital of the Penitentiary Service since 2nd January on the application of her lawyer. Valida is exhausted, and manifestly under considerable emotional stress. A motion to transfer her to house arrest had been denied earlier this month by the judge. Their lawyer is trying to file an application based on the UN WGAD Opinion for the proceedings to be terminated and both women to be compensated.

Excerpts from the UN Working Group on Arbitrary Detention (Unedited Advanced Version)

Submission

Communication from the source

Ms. Zakharchenko, aged 54, and Ms. Jabrayliova, aged 37, are residents of Baku and members of the Jehovah's Witnesses minority religion community in Azerbaijan. Ms. Zakharchenko is a person with disability.

On 5 December 2014, police arrested Ms. Zakharchenko and Ms. Jabraylova in the midst of their religious activity. The officers accused them of preaching illegally. Following the arrest, the police took Ms. Zakharchenko and Ms. Jabraylova to the station for questioning. After several hours, they were released without charges.

Reportedly, that day Ms. Zakharchenko and Ms. Jabrayliova were sharing their faith with the residents of an apartment complex in Baku. They were offering without charge a brochure Teach Your Children (Övladlarımızı öyrədək), designed to aid parents in teaching their children Bible stories and lessons. This brochure was approved by the

decision No.DK-349/M of the Azerbaijan's State Committee for Work with Religious Associations (SCWRA) for import on 11 August 2014.

On 9 February 2015, Matlab Mehdiyev, Chief Investigator of the Main Investigation Office of the Ministry of National Security of the Azerbaijan Republic (MNS), summoned Ms. Zakharchenko and Ms. Jabrayilova to the MNS headquarters. On 10 February, MNS agents interrogated them for hours, shouting at them and applying psychological pressure. They were released in the evening and ordered to return the next day.

On 17 February 2015, the MNS charged Ms. Zakharchenko and Ms. Jabrayilova under article 167-2.2.1 of the Criminal Code of Azerbaijan Republic, which prohibits production, import, sale, or distribution of religious literature by an organized group without having obtained the appropriate approval. This offence is punishable with a fine of 7,000-9,000 AZN (approximately 6600-8500 USD) or imprisonment from two to five years.

The source claims that charges against Ms. Zakharchenko and Ms. Jabrayilova are based on the fact that they were distributing the Bible-based brochure Teach Your Children (Övladlarımızı öyrədək). The source argues that such activity falls under protection of the freedom of religion or belief, as the distribution of the religious literature is an integral part of Ms. Zakharchenko's and Ms. Jabrayilova's faith. Furthermore, the brochure was approved for internal circulation in Azerbaijan by SCWRA.

The same day, 17 February, the MNS brought Ms. Zakharchenko and Ms. Jabrayilova before Judge Rauf Ahmadov, who, following a hearing in camera, decided to place them in pre-trial detention. This was despite the legal counsels' objection that the detention was due to Ms. Zakharchenko's and Ms. Jabrayilova's consistent cooperation with the authorities.

In his ruling, Judge Ahmadov described activity of Ms. Zakharchenko and Ms. Jabrayilova as a "threat to the public" and granted the investigator's motion to place them for three months' detention in the MNS's jail. The Court ignored the fact Ms. Zakharchenko is a person with disability and Ms. Jabrayilova is the primary caregiver for her aged mother. Reportedly, Ms. Jabrayilova has not received a copy of the ruling. Nevertheless, both women appealed the ruling through their lawyers.

On 26 February 2015, Baku Court of Appeal denied the appeals in a closed hearing.

Response from the Government

In its response of 11 September 2015, the Government provided the Working Group with the following information:

On 17 February 2015, the criminal case against Ms. Zakharchenko and Ms. Jabrayilova, members of the Jehovah's Witnesses minority religious community was instituted under article 167-2.2.1 of the Criminal Code of the Republic of Azerbaijan with regard to the distribution of the religious literature, namely the brochure "Teach Your Children" by an organized group without having obtained the appropriate approval.

They were arrested by the decision of Sabail district Court of Baku on the same day under the abovementioned article of the Criminal Code. On 13 April 2015, the expertise was conducted to clarify whether the abovementioned literature is of religious nature and its import and distribution was allowed.

According to the Opinion rendered on 26 May 2015 by the experts of the Ministry of Justice's Court Expertise Center, the brochure "Teach Your Children" is of religious nature

and its import and distribution was approved by the State Committee for the Work with Religious Associations of the Republic of Azerbaijan, but only within the Jehovah's Witnesses minority religious community.

There is no approval for individual distribution and sale of the abovementioned literature outside community. Currently, the investigation is conducted in an objective and thorough manner.

The Government also noted that there are a number of cases that activity of Jehovah's Witnesses was accompanied by violations of Azerbaijani legislation. Since Azerbaijan, which is still at the state of war and 20 % of its territory under occupation, has not adopted legislation on alternative service, legal action has been taken against some followers of this community refusing to serve in the army.

Discussion

Categories II and V violations

The Working Group recalls that Article 18.3 of the ICCPR permits restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

The Working Group also concurs with the Human Rights Committee which affirmed that the practice and teaching of religion includes the freedom to distribute religious texts or publications. [1]

The Government failed to present any argument explaining why and how the distribution of the religious brochure which was approved by the relevant State Committee by the two women could have been detrimental to the society as a whole or to other individuals.

The Government's argument that because the State "has not adopted legislation on alternative service, legal action has been taken against some followers of this community refusing to serve in the army" is irrelevant to the deprivation of liberty of Ms. Zakharchenko and Ms. Jabrayilova. In this regard, the Working Group also notes that more than six years ago, the Human Rights Committee expressed concern that no legal provision in Azerbaijan regulates the status of conscientious objectors to military service. Accordingly, in 2009, the Committee recommended Azerbaijan to adopt "at an early date" a "law exempting conscientious objectors from compulsory military service and providing for alternative civilian service." [2]

The Working Group considers that in the case under consideration Ms. Zakharchenko and Ms. Jabrayilova have been deprived liberty for peacefully exercising the rights to freedom of religion and belief, as guaranteed under article 18 of the UDHR and article 18 of the ICCPR. Thus, the deprivation of liberty of Ms. Zakharchenko and Ms. Jarayilova falls within category II of the categories applicable to the consideration of cases submitted to the Working Group.

Furthermore, the deprivation of liberty of Ms. Zakharchenko and Ms. Jarayilova also falls within category V of the applicable categories as they have been deprived liberty for the reason of discrimination based on their religion in violation of article 7 of the UDHR and article 26 of the ICCPR.

Category III violations

The Working Group recalls that article 9.3 of the ICCPR requires that detention in custody of persons awaiting trial shall be the exception rather than the rule. It should not be the general practice to subject defendants to pre-trial detention. [3]

The Government in its response did not provide any reason for the detention of two women. Nor the Government refuted the allegation that the prosecutor did not present to the judge any evidence supporting the need for the pre-trial detention.

Indeed, a detention pending trial "must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime." [4] The relevant factors should not include vague and expansive standards such as "public security."^[5] In the case under consideration, no reasons for the detention were given.

The Working Group considers that the non-observance of the international norms established in article 9 of the UDHR and article 9 of the ICCPR in this case is of such gravity as to give the deprivation of liberty of Ms. Zakharchenko and Ms. Jabrayilova arbitrary character. Thus, the deprivation of liberty of Ms. Zakharchenko and Ms. Jabrayilova falls within category III of the categories applicable to the consideration of cases submitted to the Working Group.

Disposition

In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Ms. Zakharchenko and Ms. Jabrayilova is arbitrary, being in contravention articles 7, 9, 18 of the UDHR and articles 9, 18, 26 of the ICCPR; it falls within categories II, III, and V of the categories applicable to the consideration of the cases submitted to the Working Group.

Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation of Ms. Zakharchenko and Ms. Jabrayilova and bring it into conformity with the standards and principles set forth in the UDHR and ICCPR.

The Working Group believes that, taking into account all the circumstances of the case, the adequate remedy would be to release of Ms. Zakharchenko and Ms. Jabrayilova and accord them an enforceable right to compensation in accordance with article 9 [5] of the ICCPR. [Adopted on 2 December 2015]

[1] General Comment No. 22: The right to freedom of thought, conscience and religion (Art. 18), para. 4

[2] Concluding observations of the Human Rights Committee (2009), Azerbaijan, CCPR/C/AZE/CO/3, para. 14.

[3] General comment No. 35: Article 9 (Liberty and security of person), para. 38.

[4] Ibid.

[5] Ibid.

No Christmas meetings for worship for Georgian Orthodox?

Forum 18 (18.12.2015) - <http://bit.ly/1PisaRz> - Azerbaijan is still denying entry to Georgian Orthodox priests, denying the Church's only two parishes allowed to exist in the

country (in the north-western Gakh Region) the possibility of celebrating the liturgy. "I still don't know who will lead the Christmas liturgy there," Bishop Demetre Kapanadze told Forum 18 News Service. "I hope this will be resolved by then." Also, after nearly 10 months' secret police imprisonment, the criminal trial of two Jehovah's Witness prisoners of conscience - Irina Zakharchenko (who is 80 per cent disabled) and Valida Jabrayilova - has begun. Azerbaijan has ignored an urgent request from the UN Human Rights Committee for Zakharchenko to be moved to a hospital or house arrest. "As a result of 10 months of detention, Irina is suffering from the effects of malnourishment, extreme sleep deprivation and severe psychological pressure," Jehovah's Witnesses noted. And following the arrest during a violent raid on Nardaran of 14 Shia Muslim prisoners of conscience, the authorities have forcibly closed mosques and obstructed the holding of religious events in the village. Officials have refused to answer Forum 18's questions about Azerbaijan's violations of the freedom of religion or belief of Georgian Orthodox Christians, Jehovah's Witnesses and Muslims.

Six months after Azerbaijan in June denied re-entry to the only Georgian Orthodox priest then allowed to serve in the country, the nation's only two state-registered Georgian Orthodox parishes - in the north-western Gakh [Qax] Region - still have no priest. "I still don't know who will lead the Christmas liturgy there," Bishop Demetre Kapanadze of the Diocese of Khornabuji and Hereti (who has oversight of Azerbaijan's parishes) told Forum 18 News Service from neighbouring Georgia on 16 December. "I hope this will be resolved by then."

The Georgian Orthodox Church celebrates Christmas on 7 January. Asked whether the Azerbaijan's government is likely to allow a priest to return to serve in the two parishes, Bishop Demetre responded: "Documents must still be formulated." The Bishop could not predict how long this would take.

"I hope there will be a resolution very soon," a Georgian diplomat familiar with the negotiations over the return of a priest told Forum 18 in mid-December. "I hope it will be for Christmas."

Why?

Azerbaijan's State Border Service suddenly denied re-entry to Azerbaijan on 21 June with no explanation to the parishes' previous priest - Fr Demetre (secular name Levan Tetrushvili), who had previously been allowed to serve in Azerbaijan. A Georgian citizen, he was also the bishop-designate for the Georgian Church's new Azerbaijan Diocese created in 2014. Officials claimed afterwards that they cannot allow a foreign citizen to lead a religious community, despite the fact that other religious communities are led by foreign citizens with no problem. The Georgian Orthodox Church has long struggled to gain permission to re-open churches in Azerbaijan.

Following Fr Demetre's June denial of re-entry to Azerbaijan, Bishop Demetre Kapanadze chose an alternative parish priest, Fr Basil. The Bishop presented Fr Basil to the head of the Georgian Orthodox Church, Patriarch Ilya, during the Sunday liturgy on 20 September. The patriarch blessed Fr Basil for service in Azerbaijan.

Mehman Ismayilov, senior north-west regional official for Azerbaijan's State Committee for Work with Religious Organisations, insisted to Forum 18 on 17 December from Zakatala [Zaqatala] that there will be a priest again in the parishes. Asked when, he responded: "I don't know." Told that the parishes have had no priest for six months and asked how this matches officials' repeated but fictitious constant claims of religious tolerance, he put the phone down. All subsequent calls went unanswered.

No-one at Gakh Regional Administration was willing to explain to Forum 18 why the local Georgian Orthodox parishes are not allowed a priest. Deputy head Tahir Ismayilov

listened to Forum 18's question on 17 December, then claimed he could not hear and put the phone down. All subsequent calls went unanswered.

"Three or four" visits only

Azerbaijan has allowed Bishop Demetre to make "three or four" visits to the Church's parishes, he told Forum 18. His most recent visit was on 23 November, which the Georgian Orthodox Church celebrates as St George's day. He visited two churches dedicated to the saint, St George's in Gakh (which has state registration) and St George's in the nearby village of Kurmukh.

The Azerbaijani authorities have in the past banned the Georgian Orthodox community access to the historic Kurmukh church, despite appeals from local people.

Another nearby parish – Holy Trinity Church in the village of Kotuklu – prepared a registration application in 2009 signed by 20 parishioners. But the State Committee has still not registered it by 2015, finding many alleged faults with the application (see F18News 8 September 2015 http://www.forum18.org/archive.php?article_id=2097). Many belief communities have complained of arbitrary State Committee decisions and delays in dealing with re-registration applications required under 2009 changes to the Religion Law.

Criminal trial begins

After nearly 10 months' imprisonment by the then National Security Ministry (NSM) secret police (now the State Security Service SSS), the criminal trial of two female Jehovah's Witness prisoners of conscience began with a preliminary hearing on 10 December, before Judge Akram Qahramanov at Baku's Pirallahi District Court. The trial is taking place on the second floor of Baku's Khazar District Court as Pirallahi District Court does not have its own building.

Irina Zakharchenko, a 55-year-old disabled widow who is in poor health, and 38-year-old Valida Jabrayilova face imprisonment of between two and five years if convicted of offering religious literature to others without state permission.

The 10 December preliminary hearing, which lasted an hour, was, unlike past hearings, open to the public, Jehovah's Witnesses told Forum 18. Both women were in court, as were their lawyers. Zakharchenko's two sons and her son-in-law were present, but Jabrayilova's mother was not able to be there. Forum 18 has been unable to find out whether this was the first time that the relatives have seen the two women since their imprisonment in February. The two prisoners of conscience are being held in the Investigation Prison in Kurdakhani, in north-eastern Baku.

"Malnourishment, extreme sleep deprivation and severe psychological pressure"

"Irina was looking emaciated and very tired," Jehovah's Witnesses told Forum 18. "When she first spoke, the judge kept asking her to speak up until her lawyer reminded him that she is frail and cannot speak very loud."

They added that prisoner of conscience Jabrayilova was looking "a little better physically than Irina", but was also very tired and apparently emotionally fragile. Jabrayilova told Judge Qahramanov she needed medical treatment and asked to return home to see her mother, for whom she was the main carer until her arrest.

The lawyers presented three applications: to allow the women to sit beside their lawyers rather than in the courtroom cage; to transfer them to house arrest; and to terminate

the criminal proceedings. Judge Qahramanov rejected all three applications. He said the order for detention of the women until 2 pm on 17 December would remain unchanged.

The judge appointed an Azerbaijani-Russian translator for prisoner of conscience Zakharchenko (who is Russian speaking). "But little effort was made to ensure that the translation was adequate," Jehovah's Witnesses complained.

The full trial began on 17 December. "The trial was open and many people were there, including relatives," a court official – who did not give her name – told Forum 18 the same day. She said Judge Qahramanov rejected the defence application once again to transfer the two women out of prison. She said they remain in Kurdakhani Investigation Prison, to which they were transferred on 4 December. The official added that the trial is due to continue on 7 January 2016 at 12 noon.

The court official said she had seen the two prisoners of conscience. "Zakharchenko's state was bad, but she could walk and talk and was able to get up the stairs to the courtroom." She said that "of course" Zakharchenko would be like that after ten months' secret police detention.

Jehovah's Witnesses continue to express concern especially about Zakharchenko. "Azerbaijan has ignored the urgent request of the United Nations (UN) Human Rights Committee to transfer Irina Zakharchenko from jail to a medical facility or to house arrest," they noted. They point out that Judge Qahramanov's 10 December decision came one week after the government received the 3 December UN request. There have been persistent concerns throughout the prisoners of consciences' imprisonment for their health, not least as Zakharchenko is 80 per cent disabled because of severe arthritis and an injury to her right leg.

"As a result of 10 months of detention, Irina is suffering from the effects of malnourishment, extreme sleep deprivation and severe psychological pressure," Jehovah's Witnesses noted.

A wide-ranging state crackdown continues on people exercising human rights. Azerbaijan's government has solemn international obligations to protect, including the arrest and jailing as prisoners of conscience of many lawyers, journalists, human rights defenders and public figures the government dislikes (see <http://www.nhc.no/en/countries/europe/azerbaijan/>). The many prisoners of conscience include Muslims and Jehovah's Witnesses exercising their freedom of religion or belief, and a conscientious objector to military service.

Lack of registration excuse used to close Nardaran mosques

On 26 November Interior Ministry forces conducted a massive raid on followers and suspected followers of the Muslim Unity Movement while they were meeting for prayer, led by Shia Muslim imam and former prisoner of conscience Taleh Bagirov (also known as Bagirzade). He and at least 13 other Muslims were arrested during the raid on the village of Nardaran, north of the capital Baku. During the raid, two police officers and at least five villagers were shot dead and police then detained the 14 Muslims as prisoners of conscience.

The village of Nardaran has a population of about 8,000 and is located on the northern shore of the Absheron peninsula 25 kms (15 miles) north of Baku. It is known as a stronghold of Shia Islam. Villagers have protested at repressive 2009 Religion Law changes targeting Muslims. Former prisoner of conscience Bagirov, who is 31, has recently preached and held gatherings in the village, and was before the 26 November raid detained and harassed by armed police.

Following the 26 November raid, the authorities have 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. 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.

Villagers complained on 11 December that the authorities had forcibly closed the Huseyniyya Mosque and the shrine to Rahima Hanum after the 9 December arrest of the prayer leader, Nuhbala Rahimov. He was ordered held in 12 days' detention.

The State Committee insisted to the local media on 11 December that the Mosque and shrine were not registered, and that Rahimov did not have the required approval from the state-backed Caucasian Muslim Board. Such approval is required before imams are allowed to lead state-registered religious communities.

Following further discontent in Nardaran over forced closures of other village mosques, State Committee Chair Mubariz Qurbanli justified the closures to the local media by insisting that no mosques in the village had state registration. He said the Juma Mosque had registration, but had not applied for re-registration in 2009 when harsh amendments were made to the Religion Law and a requirement for re-registration was again imposed on all registered religious communities. Qurbanli added that no other village mosques had ever had state registration.

Two Shia commemorations also banned

Police prevented Shia Muslims from outside the village entering Nardaran for the commemoration of the 40th day after the commemorations for the death of Imam Husein, killed at the battle of Karbala in 680 AD, marked this year on 2 December. The 40th day commemorations usually attract a crowd of tens of thousands of Shia Muslims to the shrine at Nardaran.

The authorities also prevented villagers commemorating the death of Imam Reza, the eighth Shia imam, on 11 to 12 December. "It's not clear on what basis this is being done," village elder Natiq Karimov complained to the local Turan news agency on 11 December. "Has a state of emergency or martial law been declared or something else? Don't they finally have to explain to people what is going on?"

"No one can answer your questions"

The assistant to Anar Kazimov, the Baku representative for the State Committee, refused to explain why the authorities have taken down religious notices from the streets of Nardaran, blocked access to Muslim sites in the village, prevented even villagers from commemorating the death of Imam Reza and closing mosques. "Where did you get this information?" the assistant – who would not give his name – asked Forum 18 on 17 December.

The assistant declined to answer the questions. "I can't answer your questions, I don't have the authority. Ask the State Committee press office – they will answer you." After wishing Forum 18 a happy new year he put the phone down.

Despite the assistant's promises, an official of the State Committee press office – who did not give her name – declined to give any responses either. "No one can answer your questions," she told Forum 18 on 17 December and put the phone down.

Arbitrary mosque closures and registration denials

In addition to closing Nardaran's Shia mosques, the authorities have also consistently closed down Sunni Muslim mosques in recent years on various pretexts, including several in Baku and one in Gyanja. Another example is the Lezgin Mosque in Baku's Old City, which has repeatedly been threatened with closure and from whose congregation five men – including the Imam – have been jailed as prisoners of conscience.

The State Committee has also rejected or ignored registration applications from many religious communities apart from the Georgian Orthodox parish in Kotuklu. The Jehovah's Witness community in Azerbaijan's second city Gyanja has been refused repeatedly registration since 2010. Police raided the community again on 14 November, fining at least ten of its members, while two were given short-term imprisonment for failing to pay earlier fines.

The State Committee granted registration to nine further communities on 16 November, six mosques and three Christian communities (Baku's Agape Azeri-language Baptist congregation, the Sumgait branch of Word of Life Pentecostal Church and the Molokan community in the village of Ivanovka in Ismaili Region). This is the first time any non-Muslim communities have been able to gain state registration since May 2012, Forum 18 notes.

Although the State Committee has not updated its website list of registered religious communities, these new registrations appear to bring the current number to 639. Of these, 615 are Muslim communities, all under the control of the state-backed Muslim Board, while the other 24 are of other faiths (6 Jewish communities of different affiliation, 4 Molokan, 2 Baha'i, 2 Georgian Orthodox, 2 Udi Christian, 2 Word of Life Pentecostal, the Russian Orthodox diocese with its 7 parishes, the Catholic church, Lutherans, Hare Krishna community, the Baptist congregation and New Life Pentecostal).

Many other communities – including mosques, Jehovah's Witness congregations, the many other Baptist congregations, Seventh-day Adventists, New Apostolic Church and other Protestants – lodged applications in 2009 when they were told to re-register. Many applications have been arbitrarily rejected or ignored.

New legal restrictions to religious freedom

Forum18 (16.12.2015) – On 5 December, 10 days after the police assault on Nardaran(*), President Ilham Aliyev signed into law legal amendments restricting still further the right to freedom of religion or belief. The amendments had been hurriedly drafted and rushed through parliament, the Milli Mejlis. Parliament is already considering a new Administrative Code proposed by President Aliyev which, if adopted, will come into force on 1 January 2016.

Amendments – to the Religion Law, the Criminal Code, the Administrative Code and the Citizenship Law – as well as a new "Religious Extremism" Law were among six legal texts adopted in one sitting by the Milli Mejlis on 4 December. They were signed into law by President Aliyev on 5 December, according to the presidential website.

The Religion Law amendments expand Article 21 to introduce restrictions not only on religious rites and rituals, but also "attributes" or "symbols" (the term officials use for

flags, slogans and the like). An addition to Article 21 states that symbols such as slogans or religious signs (apart from on a person) cannot be used outside places of worship, while religious flags can only be placed inside places of worship.

Officials have long complained of Islamic wall-posters and flags on the streets of Nardaran. State employees removed these after the 26 November raid.

The Religion Law amendments also widened the existing ban in Article 21 on Azerbaijani citizens who have studied abroad from conducting Islamic rituals. Now both Azerbaijani citizens who have studied abroad and non-Azerbaijani citizens are banned from conducting Islamic rituals.

The Criminal Code gained a new Article, 168-1, punishing "violation of the procedure for religious propaganda and religious ceremonies". Part 1 punishes the conducting of Islamic rites by a citizen who has received their education abroad with one year's imprisonment or a fine of between 2,000 and 5,000 Manats. Part 2 punishes "religious propaganda by foreigners and stateless persons" with imprisonment of between one and two years. Either of these "crimes" committed repeatedly or by prior agreement among a group of people is punishable by between two and five years' imprisonment.

Officials did not explain why those who conduct Islamic rituals are singled out for especially harsh punishment.

The "Religious Extremism" Law is wide-ranging, contains many unclear definitions, and allows officials broad powers when dealing with allegedly "extremist" activity. Such room for arbitrary official actions is common in legislation on exercising freedom of religion or belief. Similarly, widely-framed amendments to Article 18 of the Citizenship Law would allow stripping of citizenship from participants in religious groups the authorities deemed extremist.

The Administrative Code amendments introduce punishments for parents who fail to send their children to school. Officials have alleged that villagers in Nardaran often failed to send children to state schools.

(*) HRWF footnote:

- For more info about the police crackdown and arrests in Nardaran (25 km from Baku) during which seven people were killed (two policemen and five Shia fundamentalists), see <http://bit.ly/1QEGHZc>.
- Many of those arrested in Nardaran and elsewhere at the end of November had gained their theological education in Iran where it is taught that theocracy is a model system of governance that must be exported and separation between state and religion must be combated. Theocracy is rejected by all democracies and secular states.
- Since the raid, the authorities have forcibly closed Shia mosques in Nardaran. For some years the authorities have targeted many mosques that refuse to join the state-sanctioned Caucasian Muslim Board – especially Sunni Muslim mosques – for closure.

Repeated fines, repeated jailings of prisoners of conscience

Forum 18 (16.12.2015) - <http://bit.ly/1TZb8r9> - Prisoner of conscience Rashad Niftaliyev was released from prison in Azerbaijan's second city Gyanja on the evening of 14 December, after completing a 25-day sentence for not paying large fines imposed to punish him for taking part in religious meetings. "Although he thinks the fines are unjust,

Rashad has been paying in small instalments according to his limited means," Jehovah's Witnesses told Forum 18 News Service. Another Jehovah's Witness short-term prisoner of conscience, 50-year-old Irada Huseynova, was freed on 3 December after being jailed for three days for taking part in a religious meeting. Both had previously been jailed as prisoners of conscience. On 5 December, 10 days after a police assault on Muslims worshipping in Nardaran, 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.

Prisoner of conscience Rashad Niftaliyev was released from prison in Azerbaijan's second city Gyanja [Gäncä] on the evening of 14 December, after completing a 25-day sentence for failing to pay massive fines imposed to punish him for participating in religious meetings. "Although he thinks the fines are unjust, Rashad has been paying in small instalments according to his limited means," Jehovah's Witnesses told Forum 18 News Service.

This prison term, his second in 14 months, was five days after a further police raid on a Jehovah's Witness meeting in Gyanja. After that raid Niftaliyev and 11 others were fined. Prisoner of conscience Niftaliyev turned 28 during his imprisonment.

Niftaliyev's fines now total 9,450 Manats (about 41,290 Norwegian Kroner, 4,315 Euros, or 4,730 US Dollars). The State Statistical Service estimates the average monthly wage for those in work at 462 Manats (about 3,850 Norwegian Kroner, 400 Euros, or 440 US Dollars). This means that Niftaliyev's fines total more than 20 months' average wages for those in work.

The police raid on the Jehovah's Witness meeting for worship in Gyanja was just before a massive raid on followers and suspected followers of the Muslim Unity Movement, led by Shia Muslim imam and former prisoner of conscience Taleh Bagirov (also known as Bagirzade). He and many other Muslims were arrested on 26 November in a violent raid on the village of Nardaran, north of the capital Baku. During the raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience.

Since the raid, the authorities have forcibly closed mosques in Nardaran because they did not have the compulsory state registration (see F18News 18 December 2015 http://www.forum18.org/archive.php?article_id=2135). For some years the authorities have targeted many mosques outside state control – especially Sunni Muslim mosques – for closure.

Post-Nardaran legal restrictions signed into law

On 5 December, 10 days after the police assault on Nardaran, President Ilham Aliyev signed into law legal amendments restricting still further the right to freedom of religion or belief. The amendments had been hurriedly drafted and rushed through parliament, the Milli Mejlis. Parliament is already considering a new Administrative Code proposed by President Aliyev which, if adopted, will come into force on 1 January 2016.

"Long discussion", compliant with international human rights standards?

Siyavush Novruzov, a ruling party deputy and head of the newly-created Milli Mejlis Public Associations and Religious Organisations Committee, insisted the legal changes were "necessary". "People, our citizens, have been wanting these changes and there has been long discussion of them," he claimed to Forum 18 from Baku on 16 December. He also claimed (falsely) that Azerbaijan sends all proposed laws to the Council of Europe for review. He did not explain why the legal amendments had been made public only one or

two days before they were adopted in parliament, with no opportunity for comment either within Azerbaijan or internationally.

Novruzov also insisted the legal changes are in accordance with international human rights standards. Asked why religious communities – like Gyanja's Jehovah's Witness community and many others of a wide range of faiths – cannot meet for worship without state permission – Novruzov insisted that "each religion is allowed by law once it has registration to meet for worship". Told that international standards forbid requiring people to have state permission to meet for worship, he put the phone down. Subsequent calls went unanswered.

The Administrative Code already prescribes heavy penalties for exercising the right to freedom of religion or belief as well as other human rights. These have been used to punish Niftaliyev and 11 others in Gyanja (see below).

Even before the latest amendments, Azerbaijan already had the harshest restrictions on the right to freedom of religion or belief in the Council of Europe. Many provisions of the Religion Law, Criminal Code and Administrative Code violate the country's international human rights commitments.

Secret police's new name

The ordinary police and National Security Ministry (NSM) secret police have often raided, arrested and confiscated religious items from individuals and communities, and been responsible for many violations of freedom of religion or belief. On 14 December President Aliyev signed a decree replacing the NSM secret police with a State Security Service (SSS) with an internal role, and a Foreign Intelligence Service responsible for operations outside Azerbaijan.

The NSM secret police arrested many of the prisoners of conscience imprisoned for exercising their right to freedom of religion or belief. These include two female Jehovah's Witnesses – Irina Zakharchenko and Valida Jabrayilova – whose trial began in Baku's Pirallahi District Court on 10 December after nearly 10 months' NSM imprisonment as prisoners of conscience. Their trial is due to resume at 2.10 pm on 17 December.

Among other prisoners of conscience, the then NSM secret police also arrested Shia Muslim Jeyhun Jafarov, who remains in prison awaiting trial on treason charges. On 8 November a judge extended his pre-trial imprisonment until 17 January 2016.

Police raid religious meeting

In the latest police raid on Gyanja's Jehovah's Witness community, officers raided a home on 14 November, Jehovah's Witnesses told Forum 18. They stopped the meeting for worship and took 27 people (including five children) to the city's Kapaz District Police Station. Police told the local media they had received "operational information" that an illegal meeting was underway. They said the local office of the State Committee had also taken part in the raid.

The telephone of Kapaz District Police chief went unanswered each time Forum 18 called on 16 December. No one else there would comment on why officers raided a religious meeting in a home.

At the police station, officers charged 12 of the detainees - including Niftaliyev - with violating Article 299.0.2 of the Administrative Code. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies", with fines for individuals of between 1,500 and 2,000 Manats.

In closed hearings between 18 and 25 November, Judge Yashar Hashimov of Kapaz District Court found nine individuals guilty under Article 299.0.2, Jehovah's Witnesses told Forum 18. They were each fined the maximum 2,000 Manats (about 16,660 Norwegian Kroner, 1,740 Euros, or 1,910 US Dollars), more than four months' average wages for those in work.

Jailed for not paying earlier fines in full

On 19 November, the bailiffs' office summoned Niftaliyev to question him on his slow payment of five previous fines imposed on him since 2010 for exercising the right to freedom of religion or belief. Niftaliyev explained his efforts to make payments and his circumstances - that he has a limited income and needs to support his ill mother - but the bailiff sent the matter to court.

That same day, Kapaz District Court jailed Niftaliyev under Administrative Code Article 313-1.1 ("Non-fulfillment of court officers' orders connected with the execution of court and other authorities' judgments"). The punishment for individuals is a fine or imprisonment of up to one month.

Subsequently, the court also fined Niftaliyev for participating in the 14 November religious meeting, "further increasing his debt and adding to the injustice of punishing him for his worship", Jehovah's Witnesses told Forum 18.

Another local Jehovah's Witness, 50-year-old Irada Huseynova, was given a three-day prison term, also under Administrative Code Article 313-1.1. She was freed on 3 December on completion of the term. She was able to appeal against the sentence to Gyanja Appeal Court. Judge Badal Aliyev is due to hear her appeal on the morning of 17 December.

Earlier jailings of the two prisoners of conscience

Prisoner of conscience Huseynova served a three-day prison term under the same Article in October 2014 for having paid only 40 Manats of fines totalling 1,800 Manats handed down to punish her for exercising the right to freedom of religion or belief. She was imprisoned despite telling the court that she had no money to pay as she does not work and looks after her mother.

Prisoner of conscience Niftaliyev was among a group of Jehovah's Witnesses punished in a late-night hearing in December 2010 after a police raid. He was fined 150 Manats. In June 2011 he was again fined 1,500 Manats, following another raid. He was among six local Jehovah's Witnesses fined in November 2011 after another police raid on a religious meeting. He was fined 2,000 Manats. In July 2012 Niftaliyev and another of those fined in November 2011 were taken to court after being unable to pay the massive fines. Although the other Jehovah's Witness was punished with a three-day prison term, Niftaliyev was given a formal warning. He was also among several Jehovah's Witnesses fined 2,000 Manats in October 2014 for meeting together. He was also, along with Huseynova, Mardan Mammadov and Asim Mammadov, jailed as a short-term prisoner of conscience at the same time.

On 1 March 2012, Niftaliyev lodged a case on his and his fellow Jehovah's Witnesses' behalf to the European Court of Human Rights (ECtHR) in Strasbourg over the June 2011 raid (Application No. 561/12). The Court told Forum 18 on 16 December 2015 that the case is still pending and no admissibility decision has yet been taken.

Pattern of raids on meetings for worship

The 14 November police raid on the Jehovah's Witness meeting was the eighth in Gyanja since 2010. (Police have also raided their meetings in Lenkoran, Lokbatan, Mingachevir, Shamkir and Zakatala [Zaqatala].)

Police raids follow the same general pattern, Jehovah's Witnesses note. While a small group of worshippers are meeting in a home, police enter without a search warrant or a court order and do not properly identify themselves or the reason why they have come. They stop the meeting, confiscate personal Bibles and religious literature, videotape the scene, and insult and verbally threaten those in attendance.

Police then take everyone present, including children and the elderly, to the police station. A court hearing is set for later in the day, although a court may grant individuals the opportunity to contact their own lawyers and allow a few days for them to prepare a defence. On several occasions, the local media has publicised these arrests and even shown photos or videos of Jehovah's Witnesses waiting inside the police station.

Registration required but consistently denied

Because Jehovah's Witnesses in Gyanja have been unable to obtain state registration, the authorities state that their meetings for worship are unlawful. Kapaz District Court used that reasoning in fining those who participated in the 14 November meeting, stating that "the community of Jehovah's Witnesses has not obtained official permission from the relevant authorities to operate in the city of Gyanja".

Officials rely for prosecutions on Article 12 of the Religion Law, which states: "Religious organisations may function only after state registration by a relevant state body and the state registry of religious organisations". Jehovah's Witnesses argue that Article 12 only concerns religious legal entities and note that Religion Law Article 21 states: "Worship .. religious rites and ceremonies shall be freely carried out in places of worship .. as well as in apartments and houses of citizens". They also note that Article 4 of the Law on Freedom of Assembly excludes "religious ceremonies" from regulation.

Jehovah's Witnesses had registration in Baku from December 1999. Although the State Committee has failed to process the community's re-registration application submitted in 2009, the State Committee has never gone to court to cancel the previous registration. Many communities have complained of arbitrary State Committee decisions and delays in dealing with re-registration applications required under 2009 changes to the Religion Law.

Jehovah's Witnesses have filed numerous applications for registration in Gyanja since 2010. However, the State Committee has denied their application each time for alleged technical errors or has not replied at all. The Gyanja community filed its most recent application on 10 November 2015, days before the police raid. The application is still pending.

In addition to Niftaliyev's appeal to the ECtHR, Jehovah's Witnesses in Azerbaijan have 20 other applications pending with the Strasbourg Court for violations of their right to freedom of religion or belief.

Other recent Article 299.0.2 fines

People of many beliefs are, like the Jehovah's Witnesses, fined under Administrative Code Article 299.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). Appeals usually fail.

For example, between 13 and 16 October various judges at Baku Appeal Court rejected appeals by five Muslims - Zakariyya Mammadov, Samir Agayev, Sayavush Bashirov,

Fakhraddin Khanlayev and Latif Rahimov – against fines of 1,500 Manats (about 11,250 Norwegian Kroner, 1,400 Euros, or 1,900 US Dollars) each under Article 299.0.2 imposed on 20 September. On 14 October, different judges at the same court similarly rejected the appeals by two visiting Turkish Muslims - Nurullah Sungur and Mikhat Senol – against Article 299.0.2 fines of 2,000 Manats and deportation under Article 300.0.4 ("The conduct of religious propaganda by foreigners or stateless persons"). The fines and deportations were imposed on 20 September.

The seven had been present at a meeting of Sunni Muslims to study their faith in a Baku home raided by armed police on 19 September.

Mammadov was separately sentenced to five years' imprisonment on 7 October, one of five Sunni Muslim prisoners of conscience jailed for attending an earlier study meeting raided by police in April 2014. Their appeals were heard on 1 December, but Baku Appeal Court sent them back as the lower court judge had failed to issue written verdicts as he should have done.

In contrast, Judge Qadim Babayev of Baku Appeal Court overturned the punishment under Administrative Code Article 299.0.2 on Vilayat Qimriyev and sent the case back for a new hearing. Qimriyev had been punished on 23 October at Baku's Yasamal District Court.

On 8 October police in the southern city of Lenkoran, accompanied by State Committee officials, raided local shops hunting for religious literature being sold without state permission. They found 97 religious books being sold by Rovshan Qasimov, 39 by Tarlan Maharramov and 66 by Jeyhun Jabbarov, the Interior Ministry noted on its website the same day.

Forum 18 has been unable to find out if any of the three was punished. The telephone of Qagayi Mammadov, the Lenkoran-based official of the State Committee, went unanswered each time Forum 18 called on 16 December.

Selling religious literature that the state has not censored or in an unlicensed location is punishable under Administrative Code Article 300 ("Violation of legislation on freedom of religion") or Criminal Code Article 167-2 ("Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation").

Post-Nardaran new legal restrictions

The latest hastily-prepared legal amendments were first mentioned by officials in interviews from late November, days after the Nardaran crackdown. They were presented on 2 December to a joint session of the Milli Mejlis Legal Policy Committee and the Public Associations and Religious Organisations Committee. Only after this were the draft texts made public on the Milli Mejlis website.

The amendments – to the Religion Law, the Criminal Code, the Administrative Code and the Citizenship Law – as well as a new "Religious Extremism" Law were among six legal texts adopted in one sitting by the Milli Mejlis on 4 December. They were signed into law by President Aliyev on 5 December, according to the presidential website.

The Religion Law amendments expand Article 21 to introduce restrictions not only on religious rites and rituals, but also "attributes" or "symbols" (the term officials use for flags, slogans and the like). An addition to Article 21 states that symbols such as slogans or religious signs (apart from on a person) cannot be used outside places of worship, while religious flags can only be placed inside places of worship.

Officials have long complained of Islamic wall-posters and flags on the streets of Nardaran. State employees removed these after the 26 November raid.

The Religion Law amendments also widened the existing ban in Article 21 on Azerbaijani citizens who have studied abroad from conducting Islamic rituals. Now both Azerbaijani citizens who have studied abroad and non-Azerbaijani citizens are banned from conducting Islamic rituals.

The Criminal Code gained a new Article, 168-1, punishing "violation of the procedure for religious propaganda and religious ceremonies". Part 1 punishes the conducting of Islamic rites by a citizen who has received their education abroad with one year's imprisonment or a fine of between 2,000 and 5,000 Manats. Part 2 punishes "religious propaganda by foreigners and stateless persons" with imprisonment of between one and two years. Either of these "crimes" committed repeatedly or by prior agreement among a group of people is punishable by between two and five years' imprisonment.

Officials did not explain why those who conduct Islamic rituals are singled out for especially harsh punishment.

The "Religious Extremism" Law is wide-ranging, contains many unclear definitions, and allows officials broad powers when dealing with allegedly "extremist" activity. Such room for arbitrary official actions is common in legislation on exercising freedom of religion or belief. Similarly, widely-framed amendments to Article 18 of the Citizenship Law would allow stripping of citizenship from participants in religious groups the authorities deemed extremist.

The Administrative Code amendments introduce punishments for parents who fail to send their children to school. Officials have alleged that villagers in Nardaran often failed to send children to state schools.

Women's criminal trial to start after 10 months' imprisonment

Forum 18 (09.12.2015) - <http://bit.ly/1mvJlns> - After nearly ten months' imprisonment by the National Security Ministry (NSM) secret police, the preliminary hearing in the criminal trial of two female Jehovah's Witnesses is due tomorrow (10 December) at a court in Azerbaijan's capital Baku, court officials told Forum 18 News Service. Irina Zakharchenko, a 55-year-old disabled widow who is in poor health, and 38-year-old Valida Jabrayilova face imprisonment of between two and five years if convicted of offering religious literature to others without state permission. The two women are expected to attend the hearing, a court official added. "They haven't rung from the prison to say otherwise."

On 3 December the United Nations Human Rights Committee wrote to the Azerbaijani government asking for interim measures over Zakharchenko, who was transferred from prison to hospital in deteriorating health on 26 October. The Committee called on the Azerbaijani authorities to transfer her immediately to "house arrest or other adequate alternative", Jehovah's Witnesses told Forum 18.

Despite Zakharchenko's poor health, in late November the authorities signalled their intention to return her from hospital to the NSM secret police Investigation Prison. She was then transferred back to the prison. However, on 4 December, both women were transferred to the Investigation Prison in Kurdakhani in north-eastern Baku, Jehovah's Witnesses told Forum 18.

Massive clampdown

The criminal trial of the two Jehovah's Witnesses comes at the same time as a massive clampdown on members and supporters of the Muslim Unity Movement, led by Shia Muslim Imam Taleh Bagirov (also known as Bagirzade). Police shot dead five residents of the village of Nardaran as they arrested Bagirov and other alleged supporters of the Movement on 26 November. Dozens of others were arrested then and subsequently (see below).

On 9 December, police arrested Nuhbala Rahimov, the imam of the Rahima Hanum shrine at Nardaran, Turan news agency noted. Trend news agency said the same day that Baku's Sabunchu District Court had that day ordered he be held in 12 days' pre-trial detention.

On 5 December, just ten days after the police assault on Nardaran, President Ilham Aliyev signed into law legal amendments restricting still further the rights to freedom of religion or belief. The amendments had been hurriedly drafted and rushed through parliament, the Milli Mejlis. Parliament is already considering a new Administrative Code proposed by President Aliyev which, if adopted, will come into force on 1 January 2016. The Administrative Code already includes Articles prescribing heavy penalties for exercising the right to freedom of religion or belief as well as other human rights.

Even before these latest amendments, Azerbaijan already had the harshest restrictions on the right to freedom of religion or belief in the Council of Europe. Many provisions of the Religion Law, Criminal Code and Administrative Code violate the country's international human rights commitments.

Even before the 26 November assault on Muslims who follow the Muslim Unity Movement, Azerbaijan already had 20 prisoners of conscience held for exercising the right to freedom of religion or belief.

Criminal trial due to begin

The preliminary hearing in the trial of Jehovah's Witnesses Zakharchenko and Jabrayilova is due to begin at 12.15 on 10 December at Baku's Pirallahi District Court, court officials told Forum 18 on 9 December. Presiding at the hearing will be the Court's only Judge, Akbar Qahramanov. As Pirallahi District Court does not have its own building, it is located on the second floor of Khazar District Court.

Told that Zakharchenko is very ill and might not be able to get up the stairs to the second floor (the court building has no lift), a court official responded: "If she's not able to reach the second floor, we have a room on the ground floor where the hearing could take place."

The women were imprisoned by the NSM secret police on 17 February, the same day a criminal case was opened against them to punish them for talking to residents near their homes in Baku about their faith in December 2014. NSM secret police investigator Metleb Mehtiyev prepared the criminal case against them.

Officials of Pirallahi District Prosecutor's Office told Forum 18 on 9 December that they have not been involved in the case.

Zakharchenko and Jabrayilova are being tried under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group".

Punishment is a fine or imprisonment of two to five years. The two prisoners of consciences' appeal against their pre-trial detention was rejected on 26 February.

Azerbaijan's tight religious censorship bans the publication, import or distribution of uncensored religious literature. It also bans free distribution of religious literature, with heavy administrative and criminal penalties.

Still being held in the NSM secret police Investigation Prison is Shia Muslim Jeyhun Jafarov. He was arrested on 10 March on treason charges for being a translator of Islamic works and making public broadcasts. If tried and convicted, he faces imprisonment of between 12 years and life.

Criminal cases being prepared

Following the 26 November arrest of Imam Bagirov in the village of Nardaran near Baku, a Baku court ordered that he be held in four months' pre-trial detention, local media noted. On 2 December, Judge Aflatun Qasimov at Baku Appeal Court rejected Bagirov's appeal against the pre-trial detention order.

On 30 November, the same court had rejected the appeal against his 30-day jail term by Bagirov's deputy Imam Elchin Qasimov (also known as Qasimli). He was arrested on 5 November to punish him for criticising the police torture of Bagirov two days earlier.

Both Bagirov and Qasimov, along with many other Shia Muslims arrested on and since 26 November, face serious criminal charges on a range of alleged offences with punishments of up to life imprisonment.

Six supporters of the Muslim Unity Movement were arrested in Azerbaijan's second city Gyanja [Gäncä] on 30 November, according to a joint statement by the Interior Ministry, NSM secret police and the General Prosecutor's Office. It claimed that an automatic weapon, another gun, ammunition, 12 grenades and religious literature were seized from them.

The 30 November Gyanja arrests came two weeks after another Shia Muslim theologian, Vugar Iskandarov, was arrested in the city. The city's Nizami District Court then handed down a 20-day administrative prison term, the Devamm Muslim rights group noted on 18 November.

"We don't know the exact charges, but officials usually use the standard accusation of 'failure to submit to the police'," Devamm's head, Ilgar Ibrahimoglu, told Forum 18 from Baku on 2 December. "We know Haji Vugar as a law-abiding and educated citizen, and according to our information he did nothing in violation of the law."

Criminal prosecutions sent back because no written verdict

Meanwhile, on 1 December Judge Qail Mammadov of Baku Appeal Court sent back to Yasamal District Court the cases of five imprisoned Sunni Muslims as the lower court judge had failed to provide written verdicts.

The five - Ismayil Mammadov, his brother Zakariyya, Shahin Hasanov, Eldeniz Hajiyev and Revan Sabzaliyev - had been punished with prison terms of between 1 year, 7 months and 5 years, 5 months for attending an April 2014 meeting to study their faith with the aid of the works of the late Turkish Muslim theologian Said Nursi which was broken up in an armed police raid.

"The whole hearing was over in just a few minutes," the men's lawyer Asabali Mustafayev told Forum 18 from Baku on 9 December. "Judge Mammadov had to send the cases back

to Yasamal District Court as the judge had failed to give the defendants copies of the written verdict he handed down on 7 October." He said the five prisoners were present in court.

Mustafayev had tried to challenge the decision to hold the five men in prison and also called for the Yasamal District Court Judge Akshin Afandiyev to be severely reprimanded. However, Judge Mammadov said he was unable to deal with those requests at that hearing.

"Only today was I able to have access to the 7 October written verdict and the record of the trial," Mustafayev added. He said he can now prepare new appeals which he will submit to Baku Appeal Court.

Forum 18 was unable to reach Judge Afandiyev on 9 December to find out why he had failed to issue the written verdicts earlier.

Ismayil Mammadov, his brother Zakariyya, Hasanov, Hajiyev and Sabzaliyev are all being held at the Investigation Prison in Kurdakhani (where Zakharchenko and Jabrayilova are imprisoned). "I visit them there every week, and they are OK," Mustafayev told Forum 18. "They are able to have some religious books, but they are not allowed to have books by Nursi."

Azerbaijan urged to transfer Irina Zakharchenko to house arrest

HRWF (14.12.2015) - On December 3, 2015, the UN Human Rights Committee granted an urgent application on behalf of Irina Zakharchenko and asked the government of Azerbaijan to transfer her immediately from jail to "house arrest or other adequate alternative." Concern for her deteriorating health prompted the urgent request.

Irina Zakharchenko and Valida Jabrayilova, two female Jehovah's Witnesses, have been held in pretrial detention for ten months. On December 10, 2015, the Baku Pirallahi District Court began hearing the case against both women on the charge of allegedly violating the criminal code by sharing religious literature and their beliefs "without permission."

The two women appeared to be in bad condition. Irina Zakharchenko is now very skinny and looked very tired. She is psychologically and emotionally very weak and her voice was faint.

The lawyers presented three motions on behalf of the two women: (1) motion to allow them to sit beside their lawyers rather than be in an infamous cage at trial; (2) motion to transfer them to house arrest; and (3) motion to terminate the criminal proceedings.

The prosecutor asked the judge not to satisfy the motions. All three motions were dismissed.

Rashad Niftaliyev fined and jailed for participation in religious meetings

JW.ORG (11.12.2015) - <http://bit.ly/1jXYdJw> - For the second time in 14 months, Rashad Niftaliyev, a religious minister of Jehovah's Witnesses, is in jail for failing to pay

off fines imposed on him for taking part in religious meetings. On November 19, 2015, a court in Ganja, Azerbaijan, sentenced Mr. Niftaliyev to 25 days' detention for not making significant payments on fines he incurred for "organizing and conducting religious meetings."

Mr. Niftaliyev's fines now total 9,450 manat (\$11,375 U.S.). Although he believes the fines are unjust, he has been paying in small installments, according to his limited means.

Punished for attending a religious service

The catalyst for Mr. Niftaliyev's most recent detention was a November 14, 2015, police raid on a meeting for worship in Ganja, the second-largest city in Azerbaijan. Police stopped the religious service and took 27 people to the Ganja Kapaz District Police Station. There, police charged 12 of them—including Mr. Niftaliyev—with violating laws on participating in a religious meeting. In closed hearings held between November 18 and 25, the Ganja Kapaz District Court fined nine individuals 2,000 manat (\$1,911 U.S.) each for their part in a "religious meeting conducted without appropriate permission."

On November 19, the bailiffs' office summoned Mr. Niftaliyev to question him on his slow payment of five previous fines imposed on him in the past five years under the same charge. Mr. Niftaliyev explained his efforts to make payments and his circumstances—that he has a limited income and needs to support his ill mother—but the bailiff sent the matter to court. Upon hearing the matter, the Ganja Kapaz District Court immediately jailed Mr. Niftaliyev. Subsequently, the court also fined Mr. Niftaliyev for participating in the religious meeting on November 14, further increasing his debt and adding to the injustice of punishing him for his worship.

Interference with meetings for worship

The police raid on the Witnesses' November 14 meeting was the eighth in Ganja since 2010. The police raids follow the same general pattern: Witnesses are meeting peacefully as a small group in a private home. Police enter the private home without a search warrant or a court order and do not properly identify themselves or the reason why they have come. They stop the meeting, confiscate personal Bibles and religious literature, videotape the scene, and insult and verbally threaten those in attendance.

The police take everyone in attendance, including children and the elderly, to the police station. A court hearing is set for later in the day, although a court may grant individuals the opportunity to contact their own lawyers and allow a few days for them to prepare a defense. On several occasions, the local media has publicized these arrests and even televised images of the Witnesses waiting inside the police station.

Registration is required but consistently denied

Because Witnesses in Ganja have been unable to obtain State registration, authorities there tell them that their meetings for worship are unlawful. The Ganja Kapaz District Court used that reasoning when it fined those who participated in the November 14 meeting, stating that "the community of Jehovah's Witnesses has not obtained official permission from the relevant authorities to operate in the city of Ganja."

Contrary to that ruling, there is no law in Azerbaijan that requires prior State permission to meet for worship. Article 21 of the Law on Freedom of Religious Beliefs states: "Worship, . . . religious rites and ceremonies shall be freely carried out in places of worship . . . as well as in apartments and houses of citizens."

Jehovah's Witnesses have registration in the capital, Baku, and have filed numerous applications for registration in Ganja since 2010. However, the State Committee for Work with Religious Associations has denied their application each time for alleged technical errors or has not replied at all. The Witnesses' most recent application in Ganja, filed on November 10, 2015, is still pending.

Efforts to resolve the restrictions on religious freedom

Efforts to meet with officials in Azerbaijan continue as Jehovah's Witnesses endeavor to obtain registration and to gain greater respect for their human rights. However, because of the continuing injustice, the Witnesses in Azerbaijan have 21 applications pending with the European Court of Human Rights for incidents in which authorities interfered with their right to freedom of religion and freedom to manifest their belief.

Jehovah's Witnesses ask that the government of Azerbaijan extend to them the rights that the nation's laws guarantee to all citizens—including freedom of worship—and that it stop punishing sincere worshippers like Mr. Niftaliyev.

Emergency situation in Nardaran: villagers not allowed to hold a Shia ceremony

By Willy Fautré, Human Rights Without Frontiers

HRWF (03.12.2015) - On 2 December, the inhabitants of the village of Nardaran, a small town on the Abseron peninsula near Baku, who are well-known for their strict adherence to Shia Islam, were not allowed to hold taziye - the Mourning of Muharram, a set of rituals associated with Shia Islam.

The event marks the anniversary of the Battle of Karbala when Imam Hussein ibn Ali, the grandson of Muhammad, was killed by the forces of the second Umayyad caliph Yazid I at Karbala. Family members accompanying Hussein ibn Ali were killed or subjected to humiliation. The commemoration of the event during the yearly mourning season, from 1st to 10th of Muharram and also on 20th of Safar (Islamic calendar) with Ashura comprising the focal date, serves to define Shia communal identity. At present, Muharram Observances are carried out in countries with a sizable Shia population.

The exceptional measure to prohibit taziye was taken after five local Shia Muslims and two police officers died on 26 November in violent clashes in Nardaran. Though, the details of the standoff remain unclear.

According to some sources, the tragic incident happened during a police operation carried out during a daytime Muslim prayer service to arrest the young theologian Tale Bagirzade, the founding member and leader of the "Movement for Muslim Unity," who is a known staunch opponent to the current political regime. This prompted a strong negative reaction among believers.

The news portal Caucasus Knot quoted an unnamed Nardaran resident as saying the police opened fire against villagers seeking to prevent Bagirzade's arrest. The wife of Bunyatov, one of the founding members of the "Movement for the Muslim Unity" said police broke down the door of their home, where Bagirzade was a guest, and opened fire.

According to a joint statement of the Interior Ministry and the Prosecutor, residents opened fire on police and hurled Molotov cocktails.

Nineteen people were arrested and taken into custody, including Taleh Bagirzade. According to an official statement, the detentions were undertaken to neutralize "an armed criminal group that acted under the cover of religion and was seeking to destabilize the social-political situation and organize mass unrest and acts of terrorism."

As of late morning on November 27, the situation was said to be stabilized, although Nardaran was still surrounded by police and residents had not yet dismantled the barricades they had erected the night before.

What is Nardaran?

Nardaran, a poor village of 8,000 inhabitants 25 kilometers northeast of Baku, has been a hotbed of Shia Islam since at least the early 2000s. Its atmosphere of strict Islamic conservatism stands in sharp contrast to the rest of Azerbaijan where most Shias are secularized, a heritage of the Soviet period. Its streets display religious banners and most women wear chadors in public. Girls are not encouraged to study beyond the school obligation age.

The town is home to a madrassah as well as several mosques, including the Rehime Khanim Mosque, a large Shia mosque built between 1997 and 1999 on the site of the former Khan's summer palace.

For over a decade, Nardaran has been a flashpoint for agitation that is both pro-Iranian and against the Azerbaijani government. Its residents have clashed with police on numerous previous occasions. In 2007, an RFE/RL correspondent noted militant pro-Islamic graffiti there, including quotations from Iran's Ayatollah Ruhollah Khomeini and such slogans as "Muslims must become the soldiers of Islam and they should defend Islam," "The world is waiting for justice. Justice is waiting for the Mehdi;" and "Red death is better than black life. Allahu Akbar!"

In 1991, Nardaran was the birthplace of the Islamic Party of Azerbaijan (IPA), which supports closer relations between Tehran and Baku and promotes an anti-Western and anti-Israel agenda.

The IPA campaigned against the Azerbaijani government's efforts to ban the rebroadcast of Iranian television inside Azerbaijan, but suffered a blow in 1995 after the Azerbaijani government passed a law banning clerics from running for political office. That same year Azerbaijani security arrested several party leaders on accusations of spying for Iran and seeking to overthrow the government, after which they stripped the IPA of registration. The lack of legal status, however, did not end the IPA; it has continued its activities illegally, with the alleged financial support of Iran to present day.

In 2002, protests over lack of services and employment in Nardaran led to an escalating series of clashes with police. A truce negotiated by Allahshukur Pashazadeh, the chairman of the Caucasus Muslim Board, restored an uneasy calm in February 2003, but protests re-erupted in 2006 after locals responded violently to an article in Sanat, an obscure newspaper that blamed Islam for Azerbaijan's lack of economic development.

In 2011 and 2012, IPA leaders and activists were arrested for allegedly plotting to create mass unrest and perpetrate terrorism, to spy for Iran or to plan sabotage against the Eurovision contest hosted by Baku in May 2012.

Who is Taleh Bagirzade?

Imam Taleh Bagirzade is a Shia cleric in Nardaran. He studied theology in Qom, in Iran, from 2005 to 2010.

Upon his return to Azerbaijan in 2011, he began preaching at the Hazrat Abulfaz Aga Mosque, often targeting the moderate positions of state religious bodies.

Bagirzade's reputation is mainly based on his criticisms of the ruling regime, denouncing President Ilham Aliyev as a despot.

He was arrested in May 2011 for participating in a protest against the government ban on high-school students wearing the hijab, and subsequently sentenced to 18 months in jail for "hooliganism" and "resisting the police."

In March 2013, he was again arrested after declaring in a sermon that "a believer should not be afraid to raise his voice in protest against oppressors." He was sentenced in November of that year to two years in prison for alleged possession of drugs. Although he was incarcerated, Bagirzade was listed as one of the members of the National Council of Democratic Forces (NCDF), which was organized by Rustam Ibrahimbekov in an attempt to unite opposition groups to run in the 2013 Presidential elections against Ilham Aliyev. Other members of the NCDF then included representatives of the following parties: Musavat and the Popular Front Party (PFPA), two pro-Western parties; Ibrahimbekov-led Forum of Intellectuals; Liberal Party; EL movement and the banned Islamist Party of Azerbaijan (**).

Bagirzade was released in July 2015 but summoned by police for questioning in late September.(***)

Studies in Iran

Bagirzade is known to have studied at Hojatiye School in Iran. This institution was established 70 years ago by a Shi'a cleric. In 2010, it now has around 600 foreign students and 200 professors. Many well-known clerics have studied in this school, including Ayatollah Khamenei the current Supreme Guide of Iran. This school now trains students that come from other countries while Feyziye School is for Iranian students.

Professors of this school are Shi'a clerics that have close ties with the Iranian government. Ayatollah Sobhani is one of them. In various speeches, he clarified his ideas about the ideal Shia society. According to his teachings, police should definitely forbid people from eating and drinking in public places during the holy month of Ramadan. Besides that, he called western television channels harmful for the Shia beliefs. He also emphasized the important role of the 'Velayat-e Faghih' (Islamic government). He is opposed to abortion, which is against the policy and regulations of the Islamic Republic.

According to the website of the Hojatiye School, its objectives are

- Clarifying and establishing the ideals of Islamic Revolution as well as Ayatollah Khomeini and Khomei's political and religious ideas
- Training religious scholars for other countries, especially Muslim countries
- Supporting research projects according to the social and cultural needs of the Muslim countries.

Moreover, a specific department of the school helps and supports graduates once they have returned to their country of origin.

The police operation against the Movement for Muslim Unity

Bagirzade's "Movement for Muslim Unity" was not registered as a religious organization with the Spiritual Board of Muslims of Azerbaijan. At the time of its founding, its deputy chairman, theologian Elcin Qasymov, said its motto was "Islam and the unity of the

Umma in national ideology." Abulfaz Bunyatov, another founding member, said for his part it would engage in unspecified "political and social projects."

In a joint statement, Azerbaijan's Interior Ministry and Prosecutor-General's Office said Bagirzade, together with other founding members, created the "Movement for Muslim Unity" with the aim of overthrowing the constitutional order and establishing "a religious state under Shari'a law." They accused them to have recruited supporters in Baku and other parts of the country, provided them with weapons, and held "illegal meetings" in Nardaran to prepare a violent uprising against the authorities.

Seyavush Geydarov, deputy chairman of Azerbaijan's State Committee for Work with Religious Organizations, claimed that the movement "acts according to orders from specific forces" and tries to "exploit" people's religious feelings for political ends. He also characterized Bagirzade, who studied theology in Qom (Iran), as "seeking to import into Azerbaijan the national and spiritual values of a foreign state."

At this stage, it cannot be verified if such accusations are founded.

Footnotes:

(*) This article was written with the assistance of an Iranian citizen who visited websites in farsi.

(**) The Islamic Party of Azerbaijan (IPA) was founded in 1991 in Nardaran and officially registered in 1992. Its registration, however, was cancelled in 1995. It advocated stronger ties with Iran, rejected the ideas of pan-Turkism, and pleaded for the transformation of the secular Republic of Azerbaijan into an Islamic Republic. It is known for its fiery nationalist and anti-Armenian rhetoric and it frequently proposed a military solution to the Nagorno-Karabakh frozen conflict. It also advocated a ban of proselytism and Christian missionary activities.

(***) Human Rights Without Frontiers considers that Imam Taleh Bagirzade is a political activist and he was imprisoned on politically motivated charges but not on religious freedom grounds as defined by Article 18 of the ICCPR and Article 9 of the European Convention on Human Rights.

Police killings, shooting and mass arrests as Muslims pray

Forum 18 (01.12.2015) - <http://bit.ly/1lRvTtC> - Fourteen Muslim Unity Movement members – including leader former prisoner of conscience and recently tortured Imam Taleh Bagirov – were detained in Nardaran, near Azerbaijan's capital Baku, on 26 November as the authorities raided the village firing weapons freely during prayers. According to officials, at least seven people were killed - five men in the village and two police officers – with others in the village being wounded. The authorities have repeatedly promised to return the bodies of those killed to their families for burial, but have not yet done so. The 14 detained Shia Muslims are now in two-months' pre-trial detention and face criminal charges which carry a life sentence. Muslim Unity Movement members in at least three other places have also been arrested. Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, told Forum 18 that "they've done wrong things – they violated established rules". But he struggled to explain what rules they had broken. Asked if the Muslim Unity Movement had killed or proposed killing anyone, he replied "No". Also, changes to the Religion Law (which have not been published) to further restrict freedom of religion or belief may reach the Milli Meclis on 4 December.

Fourteen members of the Muslim Unity Movement – including its leader former prisoner of conscience and recently tortured Imam Taleh Bagirov – were detained in the village of

Nardaran, near Azerbaijan's capital Baku, on 26 November as the authorities raided the village firing weapons freely during prayers. According to the official account, at least seven people were killed - five men in the village and two police officers - with others in the village being wounded. The authorities have repeatedly promised to return the bodies of those killed to their families for burial, but have not yet done so. Officials have struggled to explain, or refused to explain, the grounds for the raid firing weapons and arrests to Forum 18 News Service.

Also, Mubariz Qurbanli, head of the State Committee for Work with Religious Organisations has commented on proposed changes to the Religion Law further restricting freedom of religion or belief that the Law needs "serious harshening". The changes, which have not been made public, may reach the Milli Meclis on 4 December (see below).

The 14 detained Shia Muslims are now in two-months' pre-trial detention and face criminal charges which carry a life sentence. Muslim Unity Movement members in at least three other places have also been arrested.

The village of Nardaran has a population of about 8,000 and is located on the northern shore of the Absheron peninsula 25 kms (15 miles) north of Baku. It is known as a stronghold of Shia Islam. Villagers have protested at repressive 2009 Religion Law changes targeting Muslims. Former prisoner of conscience Bagirov, who is 31, has recently preached and held gatherings in the village, and has been detained and harassed by armed police.

Nardaran raid and killings ahead of commemoration

The 26 November Nardaran raid and arrests came just before the 40th day after the commemorations for the death of Imam Husein, killed at the battle of Karbala in 680 AD, marked this year on 2 December. The 40th day commemorations usually attract a crowd of tens of thousands of Shia Muslims to the shrine at Nardaran.

Police in Azerbaijan's second city Gyanja [Gäncä] detained Shia Muslims commemorating the anniversary of the death of Imam Husein (Ashura) on 23 October.

Alongside Bagirov (also known as Bagirzade), the other 13 arrested in Nardaran on 26 November and now in pre-trial imprisonment are: Abulfaz Bunyadov, Rasim Bunyadov, Abbas Tagizada, Abbas Quliyev, Jabbar Amiraslanoglu, Rasim Jabrayilov, Karbalayi Etibar (from the village of Bilgah), Bahruz Quliyev, 17-year-old Jihad Balahuseynoglu (who is injured), Alibala Valiyev, Ibrahim (surname unknown), Shahin Abdulaliyev (from the village of Mushfiqabad) and Ali Nuriyev.

Family members have expressed concern that they have no access to the prisoners and fear they might be being tortured - or even that they might have died or been killed, one commentator told Forum 18. Torture of detainees and prisoners has often been credibly documented.

Among those killed by the police in Nardaran were: Abbas Huseyn (Bagirov's driver who was from Gyanja), Sarvan Safarov (from the southern town of Masalli), and three Nardaran residents, Akbar Babayev, Rafael Bunyadov and Farahim Bunyadov. The authorities repeatedly promised to return the bodies to their families for burial, but had not done so by the end of 30 November.

A General Prosecutor's Office statement on the day of the raid claimed that the group was planning "a violent change to the constitutional system of government" to establish "a religious state governed by Sharia law". It claimed that the "armed criminal group" stockpiled ammunition and explosives. The statement identified Bagirov, as well as

Elman Agayev (also known as Agazade), Zulfuqar Mikayilov (Mikayilzade) and Abulfaz Bunyatov, as creators of the "illegal" movement.

Arrests followed in at least three other cities, with at least one prisoner transferred to prison in Baku (see below).

Suppressing Muslim Unity Movement, torture

The authorities seem determined to suppress the Muslim Unity Movement. It was established on 13 January, with Imam Bagirov chosen as its leader. At the time he was still serving his second prison term as a prisoner of conscience on drugs-related charges. His supporters insist these were fabricated to punish him for exercising the right to freedom of religion or belief. Imam Bagirov was freed in the early hours of 31 July after completing his sentence. After former prisoner of conscience Bagirov's late July release from prison, he accepted an invitation from Nardaran village elders to stay with the Bunyadov family for the winter.

The Muslim Unity Movement lodged an application to gain state registration, but this was denied, it noted in a 10 November statement. Non-governmental organisations (NGOs) whose activity is linked with religion or belief in some way have long been denied registration, as have many religious or belief communities.

Police summoned Imam Bagirov to Baku's Yasamal District Police Station on 3 November. There the district police chief Isfandiyar Mehbaliyev "crudely" demanded that he write a statement explaining why he was gathering people together and planning to hold a procession. As the questioning of Imam Bagirov continued and time for the namaz prayers approached, he asked Mehbaliyev to be allowed to leave the police station. Mehbaliyev refused, so Bagirov began to pray in the police station. Angered by this, Mehbaliyev and other officers began to torture him by hitting him, injuring him particularly on the face and jaw. The torture of Imam Bagirov was 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.

On 5 November Baku's Sabunchu District Police arrested Imam Elchin Qasimli in the village of Mashtaga, where he leads prayers in the Hazrat Abbas Mosque, and Sahib Habibov. Police objected to a sermon Qasimli gave protesting about the 3 November police torture of Imam Bagirov. Angered by his arrest, about 60 of Imam Qasimli's fellow-Muslims gathered that evening in front of Sabunchu District Police Station where he was being held. They called for his immediate release. Police arrested about 20 of them. On 6 November Sabunchu District Court sentenced 10 of them – including Imam Qasimli – to up to 30 days' imprisonment.

Police fired shots, arrested people as they prayed

When armed police raided Nardaran on 26 November, apparently aware of where Imam Bagirov was staying, they stormed the Bunyadov family house firing shots freely. "They fired at them during prayer," a local woman in the house told journalists that day in a video posted to Meydan TV website. "They were simply praying, worshipping God. They didn't hurt anyone."

The woman added: "During the prayer time we came up to them to beg for mercy." She said she too had nearly been shot by police. She said Imam Bagirov and another man identified as Haji Elchin were arrested "during prayer". Another added: "We didn't think our guest would be driven out of our house under gunfire."

Sadaqat Valiyeva, who said she was Abulfaz Bunyadov's aunt, said she was performing her ablutions before prayer at her home nearby when the house was stormed. She said in the video that she heard an explosion and then gunfire, and rushed to her brother's house. She saw officers put a ladder up against the wall of the house and climb over, as young villagers began to pelt the raiders with stones.

Valiyeva complained that police officers had blocked the road and threatened women, including her daughter, as they went to pray at the mosque.

The women showed what they said were blood stains and bullet marks both in the yard and inside the family home that the police attacked. "Look at the bloodstains," one exclaimed. "This is what our government has done." They show at least 11 small calibre bullet casings and plastic ties the women state were intended to handcuff the detainees.

She and other local women denied that villagers were violent Islamists. "We are neither ISIS nor Wahhabis," she declared on the video.

The wounded were taken to the hospital in nearby Sabunchu, but security officers did not allow relatives to see them. They also denied access to those who had been arrested.

"Special operation"

A joint 1 December statement by the Interior Ministry, General Prosecutor's Office and National Security Ministry (NSM) secret police put the number of Muslim Unity Movement members in pre-trial imprisonment then facing criminal investigation at 24. It added that at 8 am that day a "special operation" had begun in Nardaran to seize "illegally held firearms and explosives". The operation was under the direct supervision of President Ilham Aliyev. Local media said four more villagers were arrested on 1 December during the operation.

The authorities have frequently used charges of alleged possession of drugs and weapons to jail prisoners of conscience for exercising their freedom of religion or belief and other rights, including: Muslim teacher Said Dadashbeyli jailed in 2008 for 14 years; Baptist pastor Hamid Shabanov jailed in 2009 for two years; and Imam Bagirov (jailed for two years in 2013) and his driver Anar Melikov (jailed for 19 months in 2013). In each case, their friends and relatives have vehemently denied that the prisoners of conscience possessed drugs or weapons, insisting that these were planted by police.

A wide-ranging state crackdown continues on people exercising human rights Azerbaijan's government has solemn international obligations to protect, including the arrest and jailing as prisoners of conscience of many lawyers, journalists, human rights defenders and public figures the government dislikes (see <http://www.nhc.no/en/countries/europe/azerbaijan/>). The many prisoners of conscience include Muslims and Jehovah's Witnesses exercising their freedom of religion or belief, including a conscientious objector to military service.

"They violated established rules" - but what rules?

Ehsan Zahidov, deputy head of the Interior Ministry press office, refused to explain why the authorities needed to enter Nardaran – and particularly the home where the arrests took place – firing weapons. "Everything is clearly set out in today's statement," he insisted to Forum 18 on 1 December. "Police seized weapons during the operation." Told that commentators with contacts in Nardaran say local people are likely to have had nothing more than old hunting guns, he responded: "You can believe or not believe our statement – that's your problem." He then put the phone down.

An official from the NSM secret police press office referred all enquiries to the General Prosecutor's Office. There, no one was prepared to discuss the operation and arrests with Forum 18 on 1 December. Nor was Aziz Seyidov, Baku City Prosecutor, or Jeyhun Shirinov, Baku's Sabunchu District Acting Prosecutor.

Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, claimed that he was unable to say why the 26 November operation and arrests in Nardaran and their aftermath were 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."

Najafov insisted that all developments in the country need to be "under control".

Authorities cut off electricity, reject dialogue

After the 26 November raid, but before the 1 December "special operation", Nardaran's electricity supply was cut off on 27 November. The company claimed the reason was massive unpaid debts, but villagers dispute this claim. Phone contact was also cut.

Following the raid and arrests, villagers protested in the streets. Nardaran's village elders sought a dialogue with the authorities, but they rejected the offer, local media noted.

As police continued to block access to the village, the elders asked residents to clear the streets. Villagers remain highly upset that the authorities have not released the bodies of those shot dead so that burials can be held.

Meanwhile, state officials, the state-backed Caucasian Muslim Board, ruling party deputies and groups of Muslims condemned the Muslim Unity Movement and its followers in statements widely covered in the local media.

Gyanja arrests

Also on 26 November, Gyanja Police arrested two local people, Sabir Aliyev and Ruzi Ismayilov, police announced the same day. They said Aliyev was standing at a city crossroads "making public calls in favour of the Muslim Unity Movement", thus "violating social order". They allege that officers of Nizami District Police who searched him found a Makarov pistol, eight bullets, one magazine and 3.215 grams of heroin.

Ismayilov was arrested near Gyanja's Shah Abbas Mosque, police added. They claim he had gone there to call on his fellow Muslims to support protestors in Nardaran. They also alleged that as he was arrested, Ismayilov hit an officer on the head before trying to detonate a grenade. Officers allegedly seized from him an F-1 and an RGD-5 grenade, as well as 14 grams of heroin, police claimed.

A 30 November Interior Ministry statement said six people connected with the Muslim Unity Movement were arrested in Gyanja that day. It identified them as Mubariz Ibrahimov, Ramiz Sariyev, Rovshan Asadov, Anar Sultanov, Fuzuli Abbasov and Ramil Abbasov. Police confiscated religious literature from many of their homes and cars, including copies of a booklet by Imam Bagirov on the Muslim Unity Movement. Police also alleged that the six had various types of weapons, including guns, grenades and bullets.

No one at Gyanja City Police or Nizami District Police was prepared to discuss the arrests with Forum 18 on 1 December.

Lenkoran arrests

In the night of 26-27 November, police in the southern coastal city of Lenkoran tried to arrest the imam of the Hazrat Abbas Mosque, Elman Agazade, identified by the state as one of the co-founders of the Muslim Unity Movement. However, following his arrest hundreds of local people gathered outside the local administration demanding his release. Officers then freed him.

Officers arrested Agazade later and transferred him to prison in Baku, Turan news agency noted on 30 November. Several other people were also arrested, but no information was given as to whether they remain under arrest and, if so, where they are being held.

Mirjan Quliyev, head of Lenkoran Police, acknowledged to Forum 18 on 1 December that Agazade had been arrested but refused to discuss who else had been arrested or why.

Neftchala arrest

On 28 November, police in the southern coastal city of Neftchala arrested local Muslim Rasat Aliyev, local media noted. Aliyev – who was educated in Iran – was then sentenced to 10 days' imprisonment. Police did not link his arrest and sentencing to the Muslim Unity Movement, nor did they say what he had done.

Charges carry a life sentence

The 1 December official statement alleged that security officers had seized four automatic weapons, four pistols, three explosive devices, 10 Molotov cocktails, seven knives and other items in Nardaran on 26 November.

The 24 arrested Shia Muslims are being investigated under some or all of these Criminal Code Articles and possibly others, according to the 1 December joint statement: 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 ("Application of violence, resistance with application of violence against a representative of authority in connection with performance of official duties by him, or application of violence not dangerous to life or health concerning his close relatives, as well as threat of application of such violence").

Article 278 carries a maximum prison sentence of life. Some of the Articles have been used previously against people exercising freedom of religion or belief, such as Article 315.

At a Saturday hearing on 28 November, a Baku court (presumably Sabunchu District Court) ordered the 14 arrested in Nardaran to be held in pre-trial imprisonment for four months, local media reported. Forum 18 was unable to reach Sabunchu District Court on 1 December, as the court moved in November to a new building and telephone numbers were not available.

Officials told Trend news agency on 30 November that all 14 arrested in Nardaran are imprisoned at Baku's Main Directorate for the Struggle against Organised Crime. It is unknown when or where the other 10 were ordered held in pre-trial imprisonment. No relatives have been allowed to visit those detained.

Even harsher restrictions imminent

Following the Nardaran raid and arrests, and arrests elsewhere, Mubariz Qurbanli, head of the State Committee for Work with Religious Organisations, insisted that Mosques in Nardaran need to be state registered and imams from the state-backed Muslim Board need to be imposed. "Unfortunately our initiatives on the registration of the mosques functioning in Nardaran met with no adequate reaction," he told the local media on 30 November.

Qurbanli supported the restrictions on freedom of religion or belief the people of Nardaran protested at in 2009 and on his 2014 appointment as State Committee head called for further restrictions on freedom of religion or belief.

After the Nardaran raid Qurbanli also condemned the use of flags "and other symbols" in religious communities. He added that legal restrictions on the exercise of freedom of religion or belief need to be tightened still further.

Siyavush Novruzov, a ruling party deputy and head of the newly-created Public Associations and Religious Organisations Committee of the Milli Mejlis (parliament), established since the 1 November parliamentary elections, said Religion Law amendments would be considered on 4 December (see below).

The State Committee lists just seven mosques as having the compulsory state registration in Baku's Sabunchu District. None of these are in Nardaran.

In defiance of Azerbaijan's international human rights commitments, officials say the exercise of freedom of religion or belief by anyone apart from a registered religious community is illegal and subject to criminal or administrative punishment.

State Committee claims Religion Law needs "serious harshening"

In announcing to the local media that the Religion Law amendments would be considered in the Milli Mejlis on 4 December, parliamentary deputy Novruzov did not say what changes have been proposed. The draft amendments have not been made public.

State Committee head Qurbanli insisted to local media on 30 November that the Religion Law needed "serious harshening". In particular, he said the state should ban the gaining of basic religious education abroad, where students would learn "an ideology alien to us". He pointed out that many of those arrested in Nardaran and elsewhere had gained their education abroad.

Qurbanli also complained that when the namaz (prayer) in mosques has finished, worshippers often remain to hold "idle conversation". He said this "problem" needs to be "resolved". He also called for his own State Committee to monitor religious sites on the internet more closely and to block access to those that call for radicalism.

"I don't think it is in violation of our human rights commitments"

Presidential adviser Najafov insisted to Forum 18 that the Religion Law needs further changes. Asked why, he claimed that the need is linked to "changes in the political situation", but he refused to specify what he meant. Told that the existing Religion Law

violates Azerbaijan's international human rights commitments, he claimed that "I don't think it is in violation of our human rights commitments."

The authorities routinely deny their human rights violations.

Colleagues of Shahin Aliyev, head of the Legislation and Legal Expertise Department at the Presidential Administration, said both he and his deputy were away. "Only they can say if the Presidential Administration has already approved these amendments," an official of the Department told Forum 18 on 1 December.

The announcement of even more "legal" restrictions on exercising the right to freedom of religion or belief came less than a month after Qurbanli announced that his State Committee had prepared further amendments to the Religion Law. Those amendments allow only "official clergy" to lead meetings for worship at places of worship, ban the use of religious flags at religious events, ban religious ceremonies in the street. Qurbanli said on 3 November that the amendments had already been submitted to the Cabinet of Ministers.

Since the latest Religion Law was adopted in 2009, as well as in previous versions, it has been repeatedly changed to make its provisions even more restrictive.

Conscientious objector (again) one of 20 current prisoners of conscience

Forum 18 (19.11.2015) - <http://bit.ly/1Y4NFWx> - Kamran Shikhaliyev, a 20-year-old conscientious objector to compulsory military service, is serving a one-year sentence in a military disciplinary unit in Salyan Region south of Azerbaijan's capital Baku. He failed to overturn his conviction – the second on the same charges – at Baku Appeal Court on 12 November, court officials told Forum 18 News Service. He is one of 20 known prisoners of conscience punished by the Azerbaijani authorities for exercising the right to freedom of religion or belief. Of these, 17 have been convicted and are serving prison terms, while three are in pre-trial secret police imprisonment. One of the three, 55-year-old disabled widow Irina Zakharchenko, was transferred to hospital on 26 October. "The many months of imprisonment have taken a serious toll on her health," Jehovah's Witnesses told Forum 18.

On 12 November, 20-year-old conscientious objector to compulsory military service Kamran Shikhaliyev failed in his appeal against his second sentence on the same charges at Baku Appeal Court, court officials told Forum 18 News Service. He has already been sent to serve his sentence of a year in a military disciplinary unit in Salyan Region south of Azerbaijan's capital Baku.

Shikhaliyev is one of 20 known prisoners of conscience punished by the Azerbaijani authorities for exercising the right to freedom of religion or belief, according to a documented list Forum 18 has compiled. A total of 17 are serving criminal sentences of up to 6 years. A further three of the current prisoners of conscience are known to be in pre-trial detention and likely to face criminal trial.

Five former prisoners of conscience have been freed since the beginning of 2015, either on completing their prison terms or through presidential pardon. One of the 20 current prisoners of conscience – Sunni Muslim Eyvaz Mammadov – is due to complete his nine-month prison term on 24 November (see below).

Amid serious health concerns, the National Security Ministry (NSM) secret police transferred to hospital one of the three pre-trial prisoners of conscience - 55-year-old

disabled widow Irina Zakharchenko - in late October. The secret police have imprisoned her and another female Jehovah's Witnesses since February. Both face up to five years' imprisonment if brought to court and convicted of "illegal" religious literature distribution (see below).

Meanwhile, appeals by five Muslims imprisoned for up to 5 years, 5 months for participating in a meeting to study their faith in a Baku home raided by police are due to be heard at Baku Appeal Court on 1 December (see below).

In addition to these 20 prisoners of conscience punished through the criminal law, many others face lesser punishments under administrative law. Courts frequently hand down often large fines to punish organising or attending a religious meeting outside a state-registered place of worship by a state-registered community, while prison terms of up to one month are often handed down.

Two Shia Muslim leaders were each given one month's imprisonment in Baku on 6 November, with eight more who protested against their detention imprisoned for up to one month.

Punished again

Conscientious objector Shikhaliyev was tried for the second time under Criminal Code Article 335.1 ("Evasion of military service by causing harm to health or in another way") at Baku Military Court. Judge Muslum Aliyev found him guilty on 18 August, an aide to the Judge told Forum 18 on 17 November. The Judge sentenced him to one year's imprisonment (or one year and 22 days according to another official) in a military disciplinary unit.

"Shikhaliyev was already in military service when the trial took place," the Judge's assistant told Forum 18.

Shikhaliyev appealed against the decision. However, at the second appeal hearing on 12 November, Judge Sahibkhan Mirzayev rejected his appeal. "The military brought Shikhaliyev to the court and took him back there afterwards," the Judge's assistant told Forum 18 on 17 November. "I saw him at the hearing and his health seemed to be fine."

Shikhaliyev is serving his sentence in Military Unit No. 133 in Salyan Region, south of Baku, court officials told Forum 18.

Despite telling the Conscription Office of his religious objections to serving in the armed forces, Shikhaliyev was forcibly conscripted in Baku in October 2013, just after his 18th birthday. He was then transferred to a military unit. He was maltreated following his enforced conscription. In April 2014 Jalilabad Military Court sentenced him to one year in a military disciplinary unit. His appeal was rejected three months later.

No alternative civilian service

Despite a commitment made before it joined the Council of Europe in 2001, Azerbaijan has no alternative civilian service, and those who cannot perform military service on grounds of conscience are punished. But rather than punish Shikhaliyev for evading military service, he was forcibly conscripted against his will and then punished.

Council of Europe bodies have repeatedly condemned Azerbaijan for its failure to honour its promise to introduce an alternative civilian service by 2004.

Serious health concerns

Zakharchenko is the older of the two female Jehovah's Witnesses imprisoned by the NSM secret police in February to punish them for talking to residents near their homes in Baku about their faith in December 2014. Her lawyer wrote two letters to the NSM secret police requesting that her client be transferred to a hospital in view of her worsening health, Jehovah's Witnesses told Forum 18. On 26 October, the NSM secret police verbally agreed to the transfer and Zakharchenko was moved to a hospital the same day.

Jehovah's Witnesses express serious concern about Zakharchenko's well being. She has lost a lot of weight, is not eating and is not sleeping. "The many months of imprisonment have taken a serious toll on her health," they told Forum 18.

The other Jehovah's Witness, 38-year-old Valida Jabrayilova, who until her arrest acted as the primary caregiver for her elderly mother, remains in detention at the NSM Investigation Prison in Baku. A Baku court on 4 September extended the two women's pre-trial detention once more until 17 December, the last time such an extension is allowed.

NSM secret police investigator Metleb Mehtiyev is preparing a case against both Zakharchenko and Jabrayilova under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The two prisoners of consciences' appeal against their pre-trial detention was rejected on 26 February.

Also in secret police prison

Also held under investigation at the same NSM secret police Investigation Prison in Baku is 43-year-old Shia Muslim prisoner of conscience Jeyhun Jafarov. He was arrested on 10 March on treason charges for being a translator of Islamic works and making public broadcasts. If tried and convicted, he faces imprisonment of between 12 years and life.

The NSM Investigation Prison in Baku was one of a number of prisons the United Nations (UN) Subcommittee on Prevention of Torture (SPT) visited in late April 2015, after a failed September 2014 visit which encountered "obstructions" from the authorities. Aisha Shujune Muhammad, head of the SPT delegation, noted on 24 April at the end of the visit that Azerbaijan "has yet to guarantee all fundamental legal and procedural safeguards to persons deprived of their liberty, including access to a lawyer, a medical doctor, and to contact his or her family".

The UN said it is encouraging Azerbaijan to allow its confidential report on the April visit to be made public. Azerbaijan has not yet allowed the UN to publish the report.

Appeals due 1 December

A group of five Sunni Muslim prisoners of conscience - Ismayil Mammadov, his brother Zakariyya, Shahin Hasanov, Eldeniz Hajiyev and Revan Sabzaliyev - are due to have their appeals heard at Baku Appeal Court on 1 December, their lawyer Asabali Mustafayev told Forum 18 from Baku on 18 November. The five are currently being held at the Investigation Prison at Kurdakhani in Baku's Sabunchu District.

The five were punished for attending an April 2014 meeting to study their faith with the aid of the works of the late Turkish Muslim theologian Said Nursi which was broken up in an armed police raid. Police detained and violently questioned all those present and confiscated religious literature, while property was apparently stolen by police. The NSM secret police beat up at least one Muslim in a bid to gain "evidence" for their case, and

nine Muslims including Sabzaliyev who attended the meeting were fined the equivalent of nearly four months' average wages.

Three of the five - Hajiyeu, Ismayil Mammadov and Sabzaliyev - spent up to five months in detention in the NSM secret police Investigation Prison in Baku before being transferred to house arrest in September 2014.

A Judge at Baku's Yasamal District Court sentenced the five on 7 October 2015 and they were arrested in the courtroom to begin their sentences. Ismayil Mammadov was jailed for 5 years, 5 months; his brother Zakariyya, with Hasanov, was jailed for 5 years; Hajiyeu was jailed for 4 years, 5 months; and Sabzaliyev was jailed for 1 year, 7 months.

The five were punished for participation in an "illegal" religious group under Criminal Code Article 168, as well as for distributing religious literature which has not undergone the state's strict pre-publication religious censorship.

Under criminal investigation

Following a police raid on a meeting of Sunni Muslims in a Baku cafe on 22 October, the Interior Ministry identified Kamran Mustafayev, Adil Rajabov and Zaur Shabanov, as "organisers of the illegal meeting". It said the same day 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.

Mustafayev was one of three participants in the meeting to serve a prison term of up to five days, while other participants were fined.

One Baku Muslim who knows of the case said Mustafayev, Rajabov and Shabanov are not under arrest as the criminal investigation continues. "The authorities wanted to arrest them, but have not done so," the Muslim told Forum 18 on 18 November.

20 current known prisoners of conscience

Of the 20 current known prisoners of conscience imprisoned to punish them for the exercise of the right to freedom of religion or belief, 17 are serving sentences following conviction. The sentence is deemed to run from the date of their arrest. A further three are in pre-trial detention, which has to be authorised by a court.

Seventeen known convicted prisoners of conscience

(Name; date of birth; religious affiliation; date of arrest; Criminal Code Article; court, date of sentence; term of imprisonment; court, date appeal rejected; place of imprisonment)

1. Tarlan Faiq oglu Agadadashov; DOB unknown; Shia Muslim; arrested 5 October 2012; Articles 233, 315.2; sentenced Baku's Narimanov District Court, 22 April 2013; 5 years, 6 months; Baku Appeal Court, 19 December 2013; Prison No. 16.

2. Rovshan Huseyn oglu Allahverdiyev; DOB unknown; Shia Muslim; arrested 5 October 2012; Articles 233, 315.2; sentenced Baku's Narimanov District Court, 22 April 2013; 5 years, 6 months; Baku Appeal Court, 19 December 2013; Prison No. 16.
3. Telman Shirali oglu Shiraliyev; DOB unknown; Shia Muslim; arrested 5 October 2012; Articles 233, 315.2; sentenced Baku's Narimanov District Court, 22 April 2013; 6 years; Baku Appeal Court, 19 December 2013; Prison No. 16.
4. Ilham Bahman oglu Hatamov; DOB unknown; Shia Muslim; arrested 5 October 2012; Articles 233, 315.2; sentenced Baku's Narimanov District Court, 22 April 2013; 5 years, 6 months; Baku Appeal Court, 19 December 2013; Prison No. 14.
5. David Tarlan oglu Karimov; DOB unknown; Shia Muslim; arrested 5 October 2012; Articles 233, 315.2; sentenced Baku's Narimanov District Court, 22 April 2013; 6 years; Baku Appeal Court, 19 December 2013; Prison No. 16.
6. Nasimi Yusif oglu Hasanov; born 2 July 1977; Shia Muslim; arrested 6 October 2012; sentenced Barda District Court, 27 July 2013; Articles 228.1, 234.1; 4 years; no appeal; Prison No. 16.
7. Elshad Fikrat oglu Rzayev; born 1981; Shia Muslim; arrested 23 February 2013; Articles 233, 315.2; sentenced Baku's Narimanov District Court, 3 June 2013; 6 years; Baku Appeal Court, 9 December 2013; Prison No. 16.
8. Kamran Azadi oglu Shikhaliyev; born 8 October 1995; conscientious objector; forcibly conscripted 10 October 2013; sentenced (second time) Baku Military Court, 18 August 2015; Article 335.1; Baku Appeal Court, 12 November 2015; 1 year (and possibly 22 days) in punitive military battalion; Military Unit 133, Salyan Region.
9. Habibullah Abdulla oglu Omarov; born 24 July 1959; Sunni Muslim; arrested 24 February 2015; sentenced Baku's Narimanov District Court, 7 July 2015; Article 167-2.1; 1 year; no appeal; Prison No. 10.
10. Eyvaz Kh. Mammadov; DOB unknown; Sunni Muslim; arrested 24 February 2015; sentenced Baku's Narimanov District Court, late July/early August 2015; Article 167-2.1; 9 months; no appeal; prison unknown.
11. Mubariz Nusraddin oglu Qarayev; born 10 April 1974; Sunni Muslim; arrested 24 February 2015; sentenced Baku's Narimanov District Court, 10 July 2015; Article 167-2.1; 1 year; Baku Appeal Court, 11 September 2015; prison unknown.
12. Azad Agajafar oglu Qafarov; DOB unknown; Sunni Muslim; arrested 26 February 2015; sentenced Baku's Narimanov District Court, 6 July 2015; Article 167-2.1; 15 months; Baku Appeal Court, 24 August 2015; prison unknown.
13. Ismayil Isakh oglu Mammadov; born 25 November 1968; Sunni Muslim; arrested 7 October 2015; sentenced Baku's Yasamal District Court, 7 October 2015; Articles 167-2.2.1, 168.2; 5 years, 5 months; appeal due 1 December 2015; Kurdakhani Investigation Prison.
14. Zakariyya Isakh oglu Mammadov; born 4 April 1970; Sunni Muslim; arrested 7 October 2015; sentenced Baku's Yasamal District Court, 7 October 2015; Articles 167-2.2.1, 168.1; 5 years; appeal due 1 December 2015; Kurdakhani Investigation Prison.
15. Shahin Mukhtar oglu Hasanov; born 15 February 1969; Sunni Muslim; arrested 7 October 2015; sentenced Baku's Yasamal District Court, 7 October 2015; Articles 167-2.2.1, 168.1; 5 years; appeal due 1 December 2015; Kurdakhani Investigation Prison.

16. Eldeniz Balamat oglu Hajiyev; born 4 February 1974; Sunni Muslim; arrested 7 October 2015; sentenced Baku's Yasamal District Court, 7 October 2015; Articles 167-2.2.1, 168.2; 4 years, 5 months; appeal due 1 December 2015; Kurdakhani Investigation Prison.

17. Revan Hakim oglu Sabzaliyev; born 7 July 1994; Sunni Muslim; arrested 7 October 2015; sentenced Baku's Yasamal District Court, 7 October 2015; Article 168.2; 1 year, 7 months; appeal due 1 December 2015; Kurdakhani Investigation Prison.

Three known pre-trial prisoners of conscience

(Name; date of birth; religious affiliation; date of arrest; Criminal Code Article of investigation; place of imprisonment)

1. Irina Kuliyeвна Zakharchenko; born 11 October 1960; Jehovah's Witness; arrested 17 February 2015; Article 167-2.2.1; hospital Baku.

2. Valida Tahir qizi Jabrayilova; born 14 October 1977; Jehovah's Witness; arrested 17 February 2015; Article 167-2.2.1; NSM prison Baku.

3. Jeyhun Mammadli oglu Jafarov; born 7 June 1972; Shia Muslim; arrested 10 March 2015; Article 274; NSM prison Baku.

Five known prisoners of conscience released in 2016

(Name; date of birth; religious affiliation; Criminal Code Article; length of sentence; date of release; reason for release)

1. Anar Asgar oglu Gasimli; born 1986; Shia Muslim; Articles 233, 315.2; 5 years, 6 months; released 18 February 2015; presidential pardon.

2. Ramil Rahim oglu Valiyev; born 1986; Shia Muslim; Articles 167.2.1, 233, 315.2; 6 years, 6 months; released 18 February 2015; presidential pardon.

3. Zohrab Shikhaliyev; born 1978; Sunni Muslim; Article 228.1; 6 months; released 13 May 2015; sentence completed.

4. Taleh Kamil oglu Bagirov; born 23 June 1984; Shia Muslim; Articles 234.1, 317-2.1; 2 years, 4 months total; released 31 July 2015; sentence completed.

5. Salim Ronald oglu Qasimov; DOB unknown; Sunni Muslim; Article 167-2.1; 6 months; released 24 August 2015; sentence completed.

Police torture one Muslim, 10 more short-term prisoners of conscience

Forum 18 (12.11.2015) - <http://bit.ly/1XYQL3F> - Police in Azerbaijan's capital Baku detained and tortured Shia Muslim theologian and former prisoner of conscience Imam Taleh Bagirov, head of the Muslim Unity Movement, when he began to pray in the police station, Forum 18 News Service has learned. Two days later, police elsewhere in Baku imprisoned his deputy Elchin Qasimli, imam of Hazrat Abbas Mosque, and a colleague. Eight Muslims who demonstrated outside the Baku police station where Qasimli was initially held were also arrested. A total of 10 prisoners of conscience, including Qasimli, were given prison terms of up to one month. The torture of Imam Bagirov was 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. And the State Committee for Work with Religious Organisations is preparing Religion Law changes banning religious leaders without state approval from leading religious meetings for worship, as well as street religious ceremonies.

Police in Azerbaijan's capital Baku detained and tortured Shia Muslim theologian and former prisoner of conscience Imam Taleh Bagirov, head of the Muslim Unity Movement, when he began to pray in the police station, Forum 18 News Service has learned. Two days later, police elsewhere in Baku imprisoned his deputy Elchin Qasimli, imam of Hazrat Abbas Mosque, and a colleague. Eight Muslims who demonstrated outside the Baku police station where Qasimli was initially held were also arrested. A total of 10, including Qasimli, were given prison terms of up to one month.

The 10 prisoners of conscience are serving their sentences at the police detention centre in Bilajari in Baku's Binagadi District.

The torture of Imam Bagirov and imprisonment of his 10 fellow Muslims come as the State Committee for Work with Religious Organisations is preparing yet more amendments to the Religion Law to ban religious leaders without state approval from leading religious meetings for worship, as well as religious ceremonies in the street (see below).

No torture in Azerbaijan?

The torture of Imam Bagirov (also known as Bagirzade) at Baku's Yasamal District Police Station on 3 November was just a week before the 11 and 12 November consideration of Azerbaijan's record on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) at the United Nations Committee Against Torture in Geneva.

"No acts of torture or cruel, inhuman or degrading treatment or punishment of detainees by police officers were recorded during the period 2010–2013," the government report to the UN Committee Against Torture (CAT/C/AZE/4), submitted in November 2014, claimed.

This claim is contradicted by evidence documented by Human Rights Watch. This includes the torture of prisoner of conscience Leyla Yunus who is seriously ill and is being denied medical treatment. She, with other local human rights defenders, compiled a list of Azerbaijan's prisoners of conscience including those jailed for exercising freedom of religion or belief.

Physical and mental torture, as defined under the CAT, has often been experienced by people in religious meetings the authorities raid, who the authorities want to extract "evidence" from, or who are detained and jailed for exercising freedom of religion or belief. Azerbaijan has grave international obligations under the CAT, including to arrest, try under criminal law and if found guilty severely punish officials guilty of torture.

Domestic law also criminalises the torture Azerbaijan's officials often inflict. A note to Criminal Code Article 293, added in June 2012, defines torture as including "severe pain or suffering, whether physical or mental, intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind".

However, despite its international obligations, Azerbaijan has a record of non-cooperation with both the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the UN Subcommittee on Prevention of Torture (SPT).

No one at the State Committee was prepared to discuss the arrests, torture and imprisonments with Forum 18 on 12 November. As soon as Forum 18 had put its question to Yagut Aliyeva, spokesperson for the State Committee, she put the phone down. Called back, the line had been switched to a fax machine.

Many prisoners of conscience

Azerbaijan has imprisoned many prisoners of conscience to punish them for exercising the right to freedom of religion or belief. Most recently, five Sunni Muslims were imprisoned on 7 October by a Baku court for up to 5 years 5 months for participating in a meeting for worship and religious study raided by armed police in April 2014.

Others remain in pre-trial detention for exercising their right to freedom of religion or belief. In February the National Security Ministry (NSM) secret police arrested two female Jehovah's Witnesses - 55-year-old disabled widow Irina Zakharchenko and 38-year-old Valida Jabrayilova. They have been held ever since amid growing concerns among Jehovah's Witnesses for their welfare. Also held with them in NSM detention is 43-year-old imprisoned Shia Muslim prisoner of conscience Jeyhun Jafarov. He was arrested on 10 March on treason charges for being a translator of Islamic works and making public broadcasts. If tried and convicted, he faces imprisonment of between 12 years and life.

Jehovah's Witness Zakharchenko's lawyer twice wrote to the NSM secret police asking for her to be transferred urgently to hospital. The NSM finally agreed on 26 October and she was transferred the same day.

"No official permission to carry out religious rites in places of worship"

In a 6 November statement on its website, Sayavush Haydarov, a deputy head of the State Committee for Work with Religious Organisations, attacked the Muslim Unity Movement, claiming they had no right to lead or conduct religious activity.

"It should be noted that Elchin Qasimli and others are not members of the clergy and their religious communities have not applied to the Caucasian Muslim Board and the State Committee for Work with Religious Organisations," Haydarov warned. "They have no official permission to carry out religious rites in places of worship. However, under the guise of performing religious rites, they repeatedly attempted to disrupt public order." He said they had already been given official warnings.

Haydarov's colleagues told Forum 18 he was not available or not in the office each time it rang on 12 November.

The Muslim Unity Movement was established on 13 January, with Imam Bagirov, who is now 31, chosen as its leader. At the time he was still serving his second prison term on drugs-related charges his supporters insist were fabricated to punish him for exercising the right to freedom of religion or belief. He was freed in the early hours of 31 July after completing his sentence.

While jailed Imam Bagirov was latterly held in Qobustan Prison, where torture has been documented.

The Muslim Unity Movement lodged an application to gain state registration, but this was denied, it noted in a 10 November statement. Non-governmental organisations (NGOs)

whose activity is linked with religion or belief in some way have long been denied registration, as have many religious or belief communities.

Torture at police station

Police summoned Imam Bagirov from his Baku office to the city's Yasamal District Police Station on 3 November. There the district police chief Isfandiyar Mehbaliyev "crudely" demanded that he write a statement explaining why he was gathering people together and planning to hold a procession, Bagirov wrote that evening on his Facebook page.

He responded that he had not organised a procession, but was merely responding to requests from his fellow-Muslims to visit the grave of army officer Mubariz Ibrahimov, who was killed in June 2010 after attacking an Armenian position on the frontline between the two sides.

As the questioning of Imam Bagirov continued and time for the namaz prayers approached, he asked Mehbaliyev to be allowed to leave the police station. Mehbaliyev refused, so Bagirov began to pray in the police station. Angered by this, Mehbaliyev and other officers began to torture him by hitting him, injuring him particularly on the face and jaw.

An officer of Yasamal District Police – who did not give his name - refused to discuss the summoning and torture of Imam Bagirov with Forum 18 on 12 November. He refused to put Forum 18 through to police chief Mehbaliyev.

New arrests

Late on 5 November, after he had finished praying the namaz, Baku's Sabunchu District Police arrested Imam Qasimli in the village of Mashtaga, where he leads prayers in the Hazrat Abbas Mosque. They took him to the District Police Station, located in the village of Bakikhanov. Arrested with him was Sahib Habibov. Police are said to have objected to a sermon Qasimli gave protesting about the police torture of Imam Bagirov two days earlier.

Angered by his arrest, about 60 of Imam Qasimli's fellow-Muslims gathered that evening in front of Sabunchu District Police Station where he was being held. They called for his immediate release.

Police blocked off roads around the Police Station and brought in special units to force the crowd to disperse. Police arrested up to 20 Muslims, local news agencies noted. Late in the evening, Baku's chief of police, Mirqafar Seyidov, arrived.

Imam Bagirov too condemned Imam Qasimli's arrest. "The authorities must answer for any violence against Elchin Qasimli," he wrote on his Facebook page that evening. "We insist on his immediate release." Bagirov added that those arrested had been subjected to torture at Sabunchu District Police Station and that blood had been seen on the floor there. He maintained that the deputy head of Baku Police, Major General Sahlab Bagirov, "is handling the believers harshly".

No one at Sabunchu District Police Station was prepared to explain why the Muslims were arrested either at the mosque or outside the Police Station. The duty officer refused to put Forum 18 through to anyone on 12 November. The man who answered the phone of deputy District police chief Sadi Ismayilov the same day would say only that "I was not on duty that day". Asked if those arrested had been tortured at the Police Station, he responded: "Of course not." He then added: "I can't talk to you. Goodbye."

"Unapproved demonstration"

In a joint statement the following day, the Interior Ministry and the Prosecutor General's Office accused the Muslims of holding an "unapproved demonstration" to call for Imam Qasimli and Habibov's release. It said two police officers had been injured by stones thrown by members of the crowd. It warned of "decisive action" against any future attempts at "destabilisation of the country".

Imam Qasimli's lawyer Javad Javadov went to Sabunchu District Police Station to meet his client on 6 November. However, Javadov said, he was denied a meeting despite having a valid lawyer's warrant.

Up to 30-day prison terms

On 6 November, without waiting for his lawyer Javadov to arrive, Judge Anar Qasimov of Sabunchu District Court found Imam Qasimli guilty under Administrative Code Article 310.1. This punishes "wilful refusal to obey the lawful demand of a law-enforcement officer" with a fine of 200 Manats (1,700 Norwegian Kroner, 180 Euros, or 190 US Dollars) or up to one month's imprisonment. The court handed him the maximum 30-day prison term, Javadov noted.

After the hearing, when he was able to meet his client, Imam Qasimli told his lawyer he was innocent of the accusations.

Also sentenced to 30-days was Habibov, arrested with Imam Qasimli on the evening of 5 November.

At other hearings at Sabunchu District Court under various judges the same day, eight further supporters of the Muslim Unity Movement were convicted and imprisoned, according to the Interior Ministry and Prosecutor General's Office statement. It said the court sentenced them to between 10 days and one month's imprisonment under Administrative Code Article 310, as well as Article 298 ("Violation of the procedure for organising and holding demonstrations and meetings").

The Court gave Anar Aliyev and Agaali Yahyayev 30-day prison terms each. The Court gave Elkhan Isganderov, Sahil Rzayev, Teymur Osmanov and Elvin Bunyatov 15-day prison terms each. The Court gave Niftali Valiyev a 20-day prison term. The Court gave Latif Ahmadov a 10-day prison term.

"The trials were all held separately under nine different judges," the President of Sabunchu District Court Judge Ilqar Abbasov told Forum 18 on 12 November. "The police brought in the detainees in the morning, the trials took place and they were taken off the same day to the police detention centre in Bilajari in Binagadi District. The sentences run from the moment of arrest, which in their case was the evening of 5 November." He said none of the 10 prisoners of conscience had yet appealed against their sentences.

Judge Abbasov said that the lawyer Javadov arrived at court after Imam Qasimli's trial had already finished. "Qasimli didn't tell Judge Qasimov that Javadov was representing him, so how was the judge to know this? I looked into this."

Did police torture 10 detainees?

While Imam Bagirov complained that the 10 men arrested on 5 November had been harshly treated at Sabunchu District Police Station, officers there refused to discuss this with Forum 18.

Judge Abbasov of Sabunchu District Court said he had not seen the 10 detainees when they were at the court on 6 November. But he insisted that none had complained of

having been tortured during their trials. "If someone tells a judge during a hearing that police have beaten them, the judge would tell me as President of the Court," Abbasov told Forum 18. "Testimony and proof would then be sought and the judge would write to the Prosecutor's Office."

While claiming that allegations of torture are taken seriously, Judge Abbasov conceded that individuals might be afraid of complaining of police torture for fear of making their situation worse.

New state controls on religious leaders in preparation

The State Committee has prepared new draft amendments to the Religion Law to allow only "official clergy" to lead meetings for worship at places of worship, Mubariz Qurbanli, the head of the State Committee, told the Azeri Press Agency (APA) on 3 November. He said the draft amendments would be presented to the Cabinet of Ministers, but gave no timetable.

The 2009 Religion Law already banned all meetings for worship without state permission and in locations which have not been approved by the state. In special restrictions which are not applied to other faiths, Muslim religious communities must be part of the state-backed Caucasian Muslim Board. Muslim leaders must be Azerbaijani citizens who have been educated within Azerbaijan.

Since the latest Religion Law was adopted in 2009, it has been repeatedly changed to make its provisions even more restrictive.

State Committee head Qurbanli also insisted in his APA interview that Muslims had "misused" religious flags at Ashura commemorations and their use would be banned in future years. "At the same time we, together with religious leaders, will in future be proposing not to allow any religious ceremonies on the street."

Qurbanli was reacting to local Muslims' response to the local administration-ordered closure of mosques in Azerbaijan's second city Gyanja [Gäncä] on 23 October, the day before Ashura. Many Muslims were detained but no punishments appear to have followed.

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

Forum 18 (28.10.2015) - <http://bit.ly/1RGqrGh> - 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. 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.

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 (see forthcoming F18News article). 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.

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.

Similar raids on Sunni Muslim and Jehovah's Witness meetings continue, with punishments including fines and deportations.

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 a law-enforcement officer" 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.

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.

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 1news.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.

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.

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.

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.

Five latest freedom of religion or belief prisoners of conscience

Forum 18 (08.10.2015) - <http://bit.ly/1IGYyvO> - Azerbaijan's latest prisoners of conscience are five Sunni Muslims jailed for exercising freedom of religion or belief. They were arrested in court on 7 October after their sentences were passed and have been transferred to a Baku prison, a friend of the five men told Forum 18 News Service. 46-year-old Ismayil Mammadov was jailed for 5 years, 5 months; his brother 45-year-old Zakariyya, with 46-year-old Shahin Hasanov, was jailed for 5 years; 41-year-old Eldeniz Hajiyev was jailed for 4 years, 5 months; and 21-year-old Revan Sabzaliyev was jailed for 1 year, 7 months. Hasanov is the only one of the five prisoners of conscience to be married. Judge Akshin Afandiyev's assistant Seymur (who would not give his last name) confirmed the sentences to Forum 18 today (8 October). He said the written verdicts would be issued today or soon after. The five were arrested after an April 2014 armed police raid on Muslims meeting together to study Islam with the aid of texts by theologian Said Nursi. Their lawyers were prevented from attending the final court hearing. One male Shia Muslim and two female Jehovah's Witness prisoners of conscience are still under investigation in the NSM secret police Investigation Prison for exercising their right to freedom of religion or belief.

Five Sunni Muslim prisoners of conscience have been given long prison terms at the end of a long-running trial in Azerbaijan's capital Baku for participating in a meeting for worship and religious study raided by armed police in April 2014, Forum 18 News Service has learned. Prison terms range from 5 years and 5 months to 1 year and 7 months. The five prisoners of conscience were arrested in the courtroom on 7 October after the sentences were handed down and have already been transferred to a Baku prison, a friend of the group told Forum 18 from Baku.

Late on 7 October Judge Akshin Afandiyev of Baku's Yasamal District Court sentenced 46-year-old Ismayil Mammadov to 5 years 5 months jail; his brother 45-year-old Zakariyya, with 46-year-old Shahin Hasanov, to 5 years in jail; 41-year-old Eldeniz Hajiyev to 4 years, 5 months in jail; and 21-year-old Revan Sabzaliyev to 1 year 7 months in jail. All denied any wrongdoing and demanded to be acquitted as innocent. All were living under restrictions at home as the trial proceeded. Four of the five prisoners of conscience are unmarried, Hasanov being married.

Due to time in pre-trial National Security Ministry (NSM) secret police detention, Ismayil Mammadov has 4 years, 11 months and 29 days of his sentence to serve, Hajiyev has 3 years, 11 months and 29 days to serve, and Sabzaliyev has 1 year, 1 month and 29 days to serve.

Judge Afandiyev's assistant Seymur (who would not give his last name) confirmed the sentences on the five prisoners of conscience to Forum 18 on 8 October. He said the written verdicts would be issued that day or soon after.

Guilty of exercising freedom of religion or belief

Prisoners of conscience Hajiyev and Ismayil Mammadov were convicted under Criminal Code Article 167-2.2.1 and Article 168.2. Prisoner of conscience Sabzaliyev was convicted under Criminal Code Article 168.2. Prisoners of conscience Zakariyya Mammadov and Hasanov were convicted under Criminal Code Article 167-2.2.1 and Article 168.1.

Article 168 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".

Article 167-2.2.1 punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years.

No comment, many prisoners of conscience

No official at the State Committee for Work with Religious Organisations in Baku was prepared to comment to Forum 18 on 8 October about the prison terms handed down to punish the five for attending a meeting for worship and religious study.

The jailing of Muslim and Jehovah's Witness prisoners of conscience for their beliefs is part of a widespread government crackdown against people exercising their human rights, including opposition politicians, human rights defenders, and lawyers. Among the imprisoned lawyers is Intigam Aliyev, who was representing Sunni Muslim Zeka Miragayev whose home was raided and religious books confiscated. In April 2015 Aliyev received a prison sentence of 7 and a half years on charges widely thought to be false.

The most recent prisoners of conscience jailed before today for exercising freedom of religion or belief were five Sunni Muslims jailed for selling religious books and other religious items without state permission. Eyvaz Mammadov was jailed on 11 August for nine months. Imam Mubariz Qarayev, Salim Qasimov, Azad Qafarov and Habibullah Omarov were jailed for between six and 15 months in early July. All five prisoners of conscience are connected with the Sunni Lezgin Mosque in Baku's Old City, which the government intends to forcibly close – like many other Sunni mosques it has closed.

Among the many other prisoners of conscience are human rights defenders Arif and Leyla Yunus, who have both for months been denied by the regime the urgent medical care they need (see <http://www.nhc.no/en/countries/europe/azerbaijan/>). Arif is an analyst who among other issues studied the role of religion in society. His wife Leyla was before her own jailing as a prisoner of conscience co-responsible for documenting the regime's prisoners of conscience, including those jailed for exercising freedom of religion or belief.

Lawyers prevented from being present

The last day of the trial at Baku's Yasamal District Court was expected to be 5 October. However, court officials phoned to say the final hearing would be held not on 5 but on 7 October, friends of the five prisoners of conscience told Forum 18. None of the four lawyers for the defendants was able to attend that day, as they had other cases.

"We think this was done specially to prevent the lawyers being present," the lawyer for four of the five latest prisoners of conscience, Asabali Mustafayev, told Forum 18 from Baku on 8 October. "I am preparing a complaint about this."

Judge Afandiyev was not available when Forum 18 called on 8 October, according to his assistant Seymur. He said he did not know why the date of the final hearing had been suddenly changed from 5 to 7 October.

About 50 of the prisoners of consciences' friends tried to attend the final hearing. At earlier hearings about 25 were allowed in. However, court officials prevented all but four into the courtroom, citing "technical problems", the men's friends complained to Forum 18. One of those allowed in was Hasanov's adult son. The others had to wait in the court building as the final hearing proceeded.

Judge Afandiyev's assistant Seymur told Forum 18 he did not know why only a small number of people had been allowed into the courtroom for the final hearing.

Official attitudes harshening?

"No-one expected prison terms," the lawyer Mustafayev told Forum 18. "Of course we're going to appeal."

However, he indicated that a 19 September raid on another Sunni Muslim meeting in Baku to study the works of the late Turkish Muslim theologian Said Nursi, and subsequent punishments, might have been a signal that officials had harshened their attitude. He also pointed to comments by a Deputy Chair of the State Committee that Nursi's works are banned in Azerbaijan and that censorship will be harshened.

Following the 19 September raid, two Turkish visitors were deported, while five local people were fined, among them the now-imprisoned Zakariyya Mammadov. Many books, including works by Nursi, the Old Testament used by Jews and Christians, and Jehovah's Witness texts are banned under Azerbaijan's censorship regime.

A friend of the five prisoners of conscience also indicated that attitudes had recently changed. "I attended all the court hearings over nearly a year," the friend told Forum 18 from Baku on 8 October. "All the court hearings were proper and we had no complaints – until a month or two ago, when the attitude of the judge changed."

"These men didn't comment the crimes they were accused of," Sabzaliyev's lawyer Yalchin Imanov told Caucasian Knot news website on 7 October. "Said Nursi's teaching is not banned in Azerbaijan. The accused violated no-one's rights." He said they simply met in a home, discussed religious issues and did not incite anyone to commit any crimes. He said they were punished for their religious faith.

Raid, fines, detentions

The process that led to the jailing of Azerbaijan's five latest prisoners of conscience began with an April 2014 armed police raid on a home in Baku's Yasamal District. Police detained and violently questioned all those present and confiscated religious literature (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948). Also, property was apparently stolen by police. The NSM secret police beat up at least one Muslim in a bid to gain "evidence" for their case, and nine Muslims including Sabzaliyev who attended the meeting were fined the equivalent of nearly four months' average wages.

Three of the five prisoners of conscience in the criminal trial - Hajiyev, Ismayil Mammadov and Sabzaliyev - spent up to five months in detention in the NSM secret

police Investigation Prison in Baku before being transferred to house arrest in September 2014.

Transfer to prison

After Judge Afandiyev delivered his verdict orally in the evening of 7 October, the five men were arrested in the courtroom. Officers then took them out of the court by a back door so that they did not pass through the group of their friends waiting in the court building and took them away in cars to Kurdakhani Investigation Prison in north-eastern Baku.

Lawyer Mustafayev told Forum 18 he would seek permission to visit the prisoners on 9 October.

Three NSM freedom of religion or belief prisoners of conscience

Three other prisoners of conscience – one male Shia Muslim, two female Jehovah's Witnesses - are under investigation in Baku's NSM secret Police Investigation Prison, for exercising their right to freedom of religion or belief.

The 43-year-old imprisoned Shia Muslim prisoner of conscience Jeyhun Jafarov was arrested on 10 March on treason charges for being a translator of Islamic works and making public broadcasts. He has been held at the NSM secret police Investigation Prison in Baku since his arrest. The NSM secret police is investigating him on a charge of treason under Criminal Code Article 274. If tried and convicted, he faces imprisonment of between 12 years and life.

The 9 July extension to his pre-trial detention means that the NSM secret police can hold Jafarov until 11 November.

Two female Jehovah's Witness prisoners of conscience, 54-year-old Irina Zakharchenko and 37-year-old Valida Jabrayilova, were arrested in February 2015 to punish them for talking to residents near their homes about their faith in December 2014. They have been held in the prison since their arrests. A Baku court on 4 September 2015 extended their pre-trial detention once more until 17 December, the last time such an extension is allowed.

"Both women are in significantly worse health and have got thinner, especially Irina," Jehovah's Witnesses told Forum 18 from Baku on 29 September. Zakharchenko has been assessed as being 80 percent disabled because of severe arthritis and a previous injury to her right leg.

The two women are being investigated under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The two prisoners of consciences' appeal against their pre-trial detention was rejected on 26 February.

The case against Zakharchenko and Jabrayilova is led by NSM secret police investigator Metleb Mehtiyev.

Conditions in the NSM Investigation Prison are known to be harsh and Azerbaijan has refused to allow publication of a United Nations Subcommittee on Prevention of Torture (SPT) report on a visit in late April 2015.

The NSM Investigation Prison where Jafarov, Zakharchenko and Jabrayilova are being held is located on the upper floor of the main NSM secret police building in Baku.

"We forbid religious books – but this isn't religious discrimination"

Forum 18 (01.10.2015) - <http://bit.ly/1RGjXaC> - As legal changes are set to make the state religious censorship even tighter, Gunduz Ismayilov, a deputy chair of the State Committee for Work with Religious Organisations – which enacts the state censorship – says that large-scale distribution of works by Muslim theologian Said Nursi is "not appropriate". He made the assertion in a letter to Ismayil Mammadov, one of five Sunni Muslims facing up to six years' imprisonment in Baku for distributing religious literature. The trial is likely to end on 5 October, the lawyer Asabali Mustafayev told Forum 18 News Service. The State Committee has already banned the import of nine Jehovah's Witness publications in 2015 so far. "We forbid religious books – but this isn't religious discrimination," a junior State Committee official told Forum 18.

The State Committee for Work with Religious Organisations – which enacts the state's prior compulsory censorship of all religious literature distributed in, imported into or exported from Azerbaijan - summoned publishers and printers in late September to its Baku offices to remind them of the need to abide by the censorship rules. The meeting was held eleven days after the third of five Sunni Muslims imprisoned in Baku for selling unapproved religious literature failed to overturn his one-year prison sentence on appeal, Forum 18 News Service notes.

Four of five more Sunni Muslims – whose trial in Baku is expected to be completed on the afternoon of 5 October – face possible imprisonment of up to six years on charges of distributing "illegal" religious literature (see below).

In the absence from the office of Nahid Mammadov, the head of the State Committee "Expert" Analysis Department, between 29 September and 1 October and the refusal of the press office to answer any questions at all, Forum 18 was unable to find out from the State Committee leadership why it imposes censorship on publications with a religious theme.

A junior assistant to Mammadov, who gave his name only as Shahiyar, confirmed that the State Committee checks "all religious books". "We forbid religious books – but this isn't religious discrimination," he insisted to Forum 18 on 1 October. He refused to explain how many religious books the State Committee has banned so far in 2015. "I do not have the right to give this information." He denied that anyone has been imprisoned for distributing religious literature that has not undergone the state censorship.

Further censorship planned

Meanwhile, yet further amendments to the 2009 Religion Law and to the Media Law to increase controls on religious communities and the distribution of religious information are likely to be considered by parliament, the Milli Mejlis, on 6 October, a deputy of the Umid (Hope) Party and a member of parliament's Human Rights Committee Iqbal Agazade told Forum 18 from Baku on 1 October. The amendments were considered first by the Human Rights Committee.

The amendments would increase the State Committee's powers of inspection over the sale of religious literature under Article 29 of the Religion Law, the Trend news agency noted on 29 September, quoting unnamed parliamentary sources. They would also require registered religious communities to get permission from the State Committee

before they could produce publications under Article 14 of the Media Law. The Media Law already specifically bans unregistered organisations (including religious communities) from producing publications.

State censorship

Article 22 of the Religion Law allows religious literature to be printed, published, distributed or sold only with permission from the state. It also requires that even state-approved religious literature can only be sold or distributed in state-approved venues. A separate regulation requires books the state has approved for distribution to have a special sticker from the State Committee to show it has been approved. State officials have repeatedly denied that this represents censorship.

The State Committee banned nine Jehovah's Witness publications in the first eight months of 2015 (see below). The lawyer for some of the five Sunni Muslims on trial in Baku learned only during the trial that the State Committee had "not recommended for mass distribution" works by the late Turkish Muslim theologian Said Nursi seized in police and National Security Ministry (NSM) secret police raids, including in April 2014 and September 2015.

"This is a question we ask: how can anyone know what books the State Committee has banned?" the lawyer Asabali Mustafayev told Forum 18 from Baku on 1 October. "Nor can anyone challenge these bans."

The State Committee does not publish any list of books it has banned, despite promises by the former State Committee Head in April 2013 that it would do so "soon".

The Old Testament, Nursi's 14-volume "Risale-i Nur" (Messages of Light) collection of writings, and several Jehovah's Witness publications were included on a police list of alleged "banned" religious literature, based on State Committee "expert analyses."

Heavy punishments for evading state censorship

Those who violate the state's religious censorship face prosecution under Criminal Code 167-2.1 (like the five Baku Sunni Muslims). This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats, or up to two years' imprisonment. Punishments are even heavier under Article 167-2.2.1 when such literature distribution is by an "organised group".

(5,000 Manats is equivalent to 40,000 Norwegian Kroner, 4,250 Euros or 4,800 US Dollars.)

Those who violate the state's religious censorship can also face prosecution under Administrative Code Article 300. Fines are: for individuals between 2,000 and 2,500 Manats; for officials between 8,000 and 9,000 Manats; and for organisations between 20,000 and 25,000 Manats. Those found guilty under Article 300 have their religious literature confiscated, while foreigners are ordered deported.

Third appeal fails

The appeal of the third of five Sunni Muslims from Baku imprisoned for selling religious literature without the compulsory state permission, Imam Mubariz Qarayev, has failed. Judge Aflatun Qasimov at Baku Appeal Court rejected his appeal on 11 September, according to court records.

It remains unclear if the three hearings in the appeal on successive Fridays in the middle of the day were designed to prevent Imam Qarayev from participating in Friday prayers in the prison.

Imam Qarayev – whose one year prison sentence is deemed to run from his arrest - was among five Sunni Muslims arrested in February and later imprisoned for selling religious literature without state permission. All the five Sunni Muslim prisoners of conscience were tried and convicted under Criminal Code 167-2.1.

Two others of the five – Azad Qafarov and Salim Qasimov – have had their appeals against their prison terms rejected. The final two - Eyvaz Mammadov and Habibullah Omarov – have not appealed against their sentences. Qasimov was freed in August at the end of his six-month sentence. Mammadov's nine-month prison term is due to be completed in November.

Verdict imminent?

The next hearing on 5 October in the long-running trial of five Sunni Muslims at Baku's Yasamal District Court could be when the verdicts are handed down. Eldeniz Hajiyev, Ismayil Mammadov, Revan Sabzaliyev, Zakariyya Mammadov and Shahin Hasanov are on trial to punish them for participating in a study session of the works of the late Turkish theologian Said Nursi in Hajiyev's Baku home in April 2014.

Four of the five are facing charges under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The five also face a range of other charges.

Armed police raided the April 2014 meeting, detained all those present and confiscated religious literature. Nine participants were fined. Three of the five defendants in the criminal trial - Hajiyev, Ismayil Mammadov and Sabzaliyev - spent up to five months in detention in the NSM secret police Investigation Prison in Baku before being transferred to house arrest in September 2014.

"How can books be illegal?"

Mustafayev, the lawyer for four of the five on trial, questions "How can the books be illegal?" He points out that those the police confiscated had been imported into Azerbaijan before the religious censorship was tightened still further in 2009. He said most of the books were by Nursi, with a few other related Muslim brochures.

Mustafayev rejects the state censorship of religious literature. He also laments the lack of clarity over how, why and which religious publications are banned and the lack of possibility of challenging these bans.

The defence in the trial of the five has seen two documents from the State Committee – both signed by Deputy Chair Gunduz Ismayilov and both seen by Forum 18 – related to its attitude to Nursi's writings.

The first is a seven page "expert analysis" of 44 different Muslim books – most by Nursi or about his religious thought, though also a 2009 calendar published by Crimea's Muftiate – as well as several DVDs and audio recordings. The items had been seized from Rashid Abdulov – an Azerbaijani Muslim based in Russia – by Shirvan Police in late 2013. The "expert analysis" had been completed by Nahid Mammadov of the State Committee's Expert Analysis Department and consultant Mahir Qaniyev. The analysis did not regard Nursi's "Messages of Light" collection of writings as dangerous or extremist.

Ismayil Mammadov – one of the five now on trial in Baku – wrote to President Ilham Aliyev on 16 July to ask about Nursi's works. Ismayilov responded to Mammadov on 6 August asserting that because Nursi's collection "Messages of Light" and related literature "are used to spread the sectarian Nur religious movement, their large-scale import to the country, publication and distribution is deemed inappropriate".

State Committee reminds publishers of religious censorship

The State Committee summoned owners of publishers and printing houses to a 22 September meeting at its Baku offices. Committee Chair Mubariz Qurbanli reminded them of the compulsory system of prior censorship of all religious literature sold in, imported into or exported from Azerbaijan.

Qurbanli reminded the publishers and printers of a 9 June 2014 Cabinet of Ministers decree which mandates special stickers on all religious literature and films sold in the country. He specifically denied that imposing such state controls on religious materials represents censorship, according to the State Committee website.

The special stickers were mandated in a series of legal documents, which require such markings on medicines (to prevent sale of faked medicine, under the supervision of the Health Ministry), audiovisual products and computer programs (to prevent piracy, under the supervision of the Copyright Agency), and religious literature and materials (to ensure religious censorship, under the control of the State Committee).

The Cabinet of Ministers Decree also includes the stipulation – already enshrined in Article 22 of the Religion Law – that only religious literature which has been approved by the State Committee in writing can be printed, published or distributed. Publishers or distributors have to lodge copies of each religious work approved for publication to be stored by the State Committee.

The Religion Law was amended on 6 March (signed into law by President Aliyev on 4 April) to specify that the "relevant executive body" (the State Committee) is to devise the procedure and cost of the special stickers. An 8 July Cabinet of Ministers decree requires the proceeds from the sale of such special stickers to be transferred to the Finance Ministry.

Nine further religious literature bans

Between January and August 2015, the State Committee banned the import of nine further Jehovah's Witness publications in various languages, Jehovah's Witnesses told Forum 18. Jehovah's Witnesses have five cases in the administrative courts, challenging the State Committee's refusals to allow the importing of religious literature.

The State Committee informed the Jehovah's Witness community in writing on 18 March that the special stickers it is supposed to issue did not yet exist. "At present, work on making the special stickers is still in progress," the State Committee told them, giving no timescale as to when they would be ready.

The State Committee letter was in response to a 5 February Jehovah's Witness community letter to the State Committee about its censorship stickers after a Baku court punished Ismayil Bagirov on 29 January, primarily for distributing literature that did not bear the special stickers. He was fined 1,500 Manats, a fine upheld by Baku Appeal Court on 27 February.

Punished – but informed too late to appeal

On 8 June, eight months late, Jehovah's Witness Rana Sadiqova received a copy of a 14 October 2014 police decision convicting her under Administrative Code Article 299.0.2 and imposing a fine of 2,000 Manats. On 18 June 2015, she appealed to Nizami District Court in her home city of Gyanja [Gäncä]. However, on 7 July, the court declared her appeal inadmissible, since she allegedly missed the deadline to appeal, Jehovah's Witnesses complained to Forum 18.

Sadiqova had been among more than 20 attendees at a Jehovah's Witness meeting for study and worship in a home in Gyanja's Nizami District on 12 October 2014. Police raided the meeting without a warrant, filmed all those present and seized religious literature. Two days later, police posted decisions to the home owner Saladdin Mammadov, Sadagat Abbasova and Rashad Niftaliyev, fining them 2,000 Manats each under Administrative Code Article 299.0.2.

The three failed to overturn the fines on appeal. Gyanja Appeal Court rejected the defendants' insistence that their right to exercise freedom of religion or belief is upheld by international human rights documents Azerbaijan has signed up to, including the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Sadiqova was also among four Gyanja Jehovah's Witnesses fined in June 2011 for exercising the right to freedom of religion or belief

Fines, deportations, criminal trials to punish meetings for worship and study

Forum 18 (29.09.2015) - <http://bit.ly/1IWQDFy> - Two Turkish citizens arrived in the Azerbaijan capital Baku on 19 September to take part in a meeting of prayer and study ahead of the Muslim festival of Eid al-Adha. That evening police and secret police officers raided the meeting in a home, taking 85 people for questioning and confiscating 3,000 religious books. On 20 September, the two Turks were fined and ordered deported. Five local Sunni Muslims were also fined. Although the court decision had not entered legal force, the Migration Service deported the two Turks on 21 September, their lawyer Asabali Mustafayev complained to Forum 18 News Service. A secret police officer insisted to Forum 18 the meeting had been "illegal", but refused to explain how a meeting for worship in a home could be illegal. Five Jehovah's Witnesses have failed to overturn convictions for meeting for study and worship in a Baku home raided by police in April. And the criminal trial of five Sunni Muslims to punish them for participating in a religious meeting is due to resume for what might be the last session on 5 October. The prosecutor is demanding up to six years' imprisonment for each.

Two Turkish citizens were fined and, on 21 September, deported from Azerbaijan for participating in a meeting of Sunni Muslims to discuss their faith in a Baku home raided by police and National Security Ministry (NSM) secret police. Five local Muslims were fined. An NSM officer insisted to Forum 18 News Service that the meeting had been "illegal", but refused to explain why a meeting to discuss a faith in a private home could be against the law.

The criminal trial of five Sunni Muslims who participated in a meeting for study and worship in the same Baku home, raided by police and the NSM secret police in April 2014, is due to resume on 5 October. This might be the final hearing. The prosecutor is demanding up to six years' imprisonment for each (see below).

Five Jehovah's Witnesses convicted and given official warnings for participating in an April 2015 meeting for worship and study in a Baku home raided by police have failed to

overturn their convictions on appeal. Another of those present – a Georgian citizen – had been deported (see below).

A prominent Shia Muslim preacher has twice been detained and questioned in September, eight weeks after completing a prison term. A local police officer absolutely denied the second detention to Forum 18 (see below).

Meanwhile, the State Committee for Work with Religious Organisations – which enacts the state's prior compulsory censorship of all religious literature distributed in or imported into Azerbaijan – summoned publishers and printers to remind them of the need to abide by the censorship rules.

The woman who answered the phone at the press office of the State Committee put the phone down on 29 September as soon as Forum 18 had introduced itself. When Forum 18 called back, the line had been switched to a fax machine.

Raid on meeting about Islam

Police from Baku's Yasamal District's 29th police station, accompanied by officers of Yasamal District NSM secret police, raided the meeting of Sunni Muslims in a home owned by Mubariz Asadov on the evening of 19 September, the Interior Ministry noted on its website that evening. About 85 people had gathered to learn more about Islam in the run-up to the Muslim festival of Kurban Bayram (Eid al-Adha), drawing on the works of the late Turkish Muslim theologian Said Nursi.

Police had sought a search warrant from Yasamal District Court, which had approved the request on 11 September. "Police must have discovered that two guests from Turkey would be present at the meeting," the lawyer Asabali Mustafayev told Forum 18 from Baku on 29 September. He is due to lodge a challenge over the legality of the search warrant to Baku Appeal Court on 30 September.

During the 19 September raid, officers searched the house and confiscated about 3,000 religious books which the Interior Ministry insisted were "illegal". They took 85 adults in two buses to the local police station for questioning.

The Turkish citizens who were present, Nurullah Sungur – son of the late theologian Mustafa Sungur, who had been an associate of Nursi – and Miktat Senol, had arrived in Baku by plane that morning.

One of the participants Zeka Miragayev told Yeni Musavat website on 22 September about the arrival of police and National Security Ministry officers. "Everyone present there was taken, while books were confiscated. We were put in two buses and taken to Yasamal District Police Station."

Miragayev told the website that officers noted the identity and questioned all of them, asking them when they began to practice "Nursism" (an official designation that regards these Muslims as followers of a specific group).

Eighty of the participants were freed about 3 am on the morning of 20 September, including the two Turkish visitors. The two were told to return to the police in the morning. Five local Muslims were held overnight, their lawyer Mustafayev told Forum 18.

"Illegal" meeting?

The officer who answered the phone of Mutallim Usubov, the NSM head for Baku's Yasamal District, refused to discuss the raid and punishments with Forum 18 on 29 September. All he would say was that it had been an "illegal meeting". But the officer,

who said he was not Usubov but refused to give his name, would not explain in what way holding a meeting in a home was illegal. He referred all questions to the police and put the phone down.

The officer who answered the phone of Faiq Huseynov, the head of the 29th Police Station, similarly refused to discuss the raid and punishments. "We have no information," the officer – who would not give his name – told Forum 18 on 29 September. "I have no right to give you any information." Asked if he had been on duty at the station late on 19 September, when the 85 meeting participants had been brought in, he said he had not.

Forum 18 asked if the 3,000 religious books officers had confiscated during the raid were still at the 29th Police Station, the officer said he did not know. He then put the phone down.

The man who answered the phone of Nahid Mammadov, the head of the State Committee's "Expert" Analysis Department, told Forum 18 on 29 September that he knew about the confiscation of the books during the 19 September raid. However, he refused to say where they are or what will happen to them. "Nahid Mammadov is not in the office today – ring when he is here," the official – who would not give his name – told Forum 18 before putting the phone down.

The lawyer Mustafayev said he does not know if the confiscated books are with the police or the NSM secret police. He says he also intends to challenge in court the way the police conducted the raid, including the breaking of a door and the seizure of the books.

Fines, deportations

Administrative cases were prepared against the two Turkish citizens present, Sunkur and Senol. They were charged with violating Administrative Code Article 300.0.4. Five local Muslims – Zakariyya Mammadov (who is also on criminal trial – see below), Samir Agayev, Sayavush Bashirov, Fakhraddin Khanlayev and Latif Rahimov – were accused of violating Administrative Code Article 299.0.2.

All the others, 78 people, were given verbal warnings, Interior Ministry spokesperson Ehsan Zahidov told Caucasian Knot news website on 22 September.

Administrative Code Article 300.0.4 punishes "the conduct of religious propaganda by foreigners or stateless persons", with fines for individuals of between 2,000 and 2,500 Manats. (2,000 Manats is the equivalent of 16,200 Norwegian Kroner, 1,700 Euros or 1,900 US Dollars.) Foreign citizens can also be ordered deported.

Administrative Code Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies", with fines for individuals of between 1,500 and 2,000 Manats.

The cases were handed to Baku's Yasamal District Court, to where the seven were taken on Sunday 20 September. (The court website does not list Sunday as a court working day.) Judge Sheyda Maharramova found all seven guilty. Sunkur and Senol were each fined 2,000 Manats. The Judge also ordered their deportation. The five others were each fined 1,500 Manats.

"The cases against the five were considered one after the other and, after a few minutes' break, the Judge announced the fines all together," Mustafayev noted. "The Turks were fined separately. Although the hearings were supposedly open, no-one could attend Sunkur and Senol's trial. But about six supporters managed to enter the court room as the cases against the five were heard."

Forum 18 was unable to reach Judge Maharramova on 29 September. Court officials refused to transfer the call or give any information on the cases.

Were deportations legal?

After the hearings, Sunkur and Senol were handed into the custody of the Migration Service, which held them overnight before their deportation on 21 September. "No-one was allowed to see them at the Migration Service," Mustafayev lamented. "The Migration Service should not have deported them as the court decision has not come into legal force."

All seven Muslims have lodged appeals against their convictions to Baku Appeal Court, their lawyer Mustafayev told Forum 18. None of those ordered fined has yet paid.

"If Sunkur and Senol want to come back to Azerbaijan, the fines could be extracted from them," Mustafayev noted. "Or the Azerbaijani authorities could ask Turkey to enforce the fines."

Appeals against warnings fail

Courts routinely impose fines or official warnings on other individuals to punish them for exercising the right to freedom of religion or belief.

In separate hearings on the afternoon of 6 August, various judges at Baku Appeal Court rejected the appeals against the convictions and official warnings handed to four Jehovah's Witnesses – Rovshan Mursalov, Basti Rasulova, Fatima Balova and Qalina Fazilhamadova - under Administrative Code Article 299.0.2, according to court records. They had all been warned at Baku's Qaradag District Court on 8 July. On 18 August, Judge Qail Mammadov of Baku Appeal Court rejected the appeal by another of the group, Milena Makarenko. She had been warned on 30 July.

The official warnings followed a 9 April police raid on Mursalov's home in Lokbatan on the southern edge of Baku, as he and other Jehovah's Witnesses were exercising the right to freedom of religion or belief by meeting together for worship and study. Police confiscated religious literature. Another attendee, Georgian citizen Goderdzi Kvaratskhelia was deported under Administrative Code Article 300.0.4.

Prosecutor demands up to six years' prison

Meanwhile, the criminal trial of five Sunni Muslims detained following a mass police and secret police raid in April 2014 continued at Yasamal District Court on 23 September, with a further hearing on 29 September. It is due to resume on the afternoon of 5 October for what might be the final hearing, their lawyer Mustafayev told Forum 18 after the 29 September hearing.

At the 23 September hearing the Prosecutor demanded that all five of the defendants be arrested in the courtroom and sentenced to prison terms of between two and six years each, Mustafayev noted.

The five - Eldeniz Hajiyev, Ismayil Mammadov, Revan Sabzaliyev, Zakariyya Mammadov and Shahin Hasanov – are on trial to punish them for participating in a study session of the works of the late Turkish theologian Said Nursi in Hajiyev's Baku home in April 2014.

Armed police raided the meeting, detained all those present and confiscated religious literature. Nine participants were fined. Three of the five defendants in the criminal trial - Hajiyev, Ismayil Mammadov and Sabzaliyev - spent up to five months in detention in the

NSM secret police Investigation Prison in Baku before being transferred to house arrest in September 2014.

All five have been living at their homes under restrictions during the long trial. Their movements are monitored by police. They cannot leave the country and need permission to travel outside Baku.

Hajiyev and Ismayil Mammadov are being prosecuted under Criminal Code Article 167-2.2.1 and Article 168.2. Sabzaliyev is being prosecuted under Criminal Code Article 168.2. Zakariyya Mammadov and Hasanov are being prosecuted under Criminal Code Article 167-2.2.1 and Article 168.1. The Mammadovs are brothers.

Article 168 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 when minors are involved are prosecuted under Article 168.2, which carries a maximum punishment of three years' imprisonment.

Article 167-2.2.1 punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years.

Shia preacher twice detained

The NSM secret police in Baku summoned Shia Muslim preacher and former prisoner of conscience Taleh Bagirov (also known as Bagirzade) for questioning on 22 September, he told the local media that day. Officers warned him about his statements at religious gatherings in Nardaran, a village near Baku known for local residents' strong Shia affiliation. Bagirov afterwards dismissed any concerns about the "warning" conversation.

Soon afterwards, Bagirov and his family travelled up to the central city of Yevlakh to visit relatives during the Muslim festival of Kurban Bayram (Eid al-Adha). Armed police surrounded the Yevlakh mosque during Friday prayers on 25 September, where Bagirov had been due to preach. When Bagirov came out to talk to them, officers detained him and took him to the town police station, Muslims told Forum 18 from Baku that day.

Officers questioned Bagirov for three hours, telling him that police had received an emergency call claiming that he was about to preach an "anti-state sermon", as he told local media the same day. He was freed after questioning.

The duty officer at Yevlakh police station referred Forum 18 on 29 September to Afqan Qurbanov. He told Forum 18 the same day that "no such incident happened in Yevlakh". Told that local Muslims had complained to Forum 18 and that the incident had been widely covered in the local media, he repeated his claim. Asked whether those who witnessed the officers around the mosque and the detention had been deluded, Qurbanov responded: "Maybe." He then put the phone down.

The 31-year-old Bagirov completed his combined prison term of two years and four months and was freed from Qobustan Prison in the early hours of 31 July. His prison term (his second) was imposed on drugs charges his supporters insist were fabricated to punish him for his religious and political activity.

In January 2015, while he was still in prison, Bagirov was elected to lead a new group, the Muslim Unity Movement.

85 followers of Turkish theologian Said Nursi arrested by police in Baku

HRWF (28.09.2015) - According to a press release of the Russian press agency Interfax dated 22 September which refers to the Azeri Interior Ministry's website, officers from Baku's Yasamal District Police Department and the Yasamal District Department of the National Security Ministry have arrested 85 people for propaganda of the so-called religious Nurcu movement.

The search of an apartment led to the discovery and seizure of 3,000 items of religious literature banned from distribution.

Seven of the arrested are facing charges under the Code of Administrative Offences. The others have been released.

Said Nursi (1876-1960) was a Turkish religious scholar, an opinion leader and an activist concerned with the acute problems of the society of his time. Throughout all his life, he desperately attempted to conciliate religion, modernity and politics. His books inspired a faith movement that played a vital role in the revival of Islam in Turkey and now numbers several millions of followers worldwide, including in Russia and other post-Soviet countries with a Muslim majority. His followers are particularly persecuted in Azerbaijan, Russia and Uzbekistan.

Azerbaijan again extends detentions of Irina Zakharchenko and Valida Jabrayilova

JW.org (14.09.2015) <http://www.jw.org/en/news/legal/by-region/azerbaijan/azerbaijan-detention-extended-20150914/> - On September 4, 2015, the Sabail District Court—for the third time—granted the prosecutor's request to extend the pretrial detention of two of Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova. They are to remain in jail until December 17, 2015.

The ordeal for these women began with their arrest and pretrial detention on February 17, 2015, for alleged illegal distribution of religious literature. With their confinement now stretching to ten months, their family, friends, and the worldwide community of Jehovah's Witnesses are deeply concerned for their welfare. The authorities should end this injustice and release them immediately.

Seven months' secret police detention so far, three more added

Forum 18 (09.09.2015) - <http://bit.ly/1OjPiuh> - A court in Azerbaijan's capital Baku ruled that two female Jehovah's Witnesses – imprisoned for seven months already at the secret police Investigation Prison – can now be held for a further three months, Jehovah's Witnesses told Forum 18 News Service. Ten months is the maximum they can be held in pre-trial detention. The two - 54-year-old Irina Zakharchenko (a disabled widow) and 37-year-old Valida Jabrayilova – face up to five years' imprisonment for offering religious literature to nearby residents. Forum 18 was unable to reach Judge Rauf Ahmadov to find out why he considered further imprisonment necessary. Two of five

Sunni Muslims imprisoned for selling uncensored religious literature have lost their appeals, while the third appeal – by Imam Mubariz Qarayev of Baku's Lezgin Mosque – is due to resume on 11 September. And the long-running trial of five further Sunni Muslims for a religious meeting appears to be close to concluding. "You almost never get an acquittal here," those close to the case told Forum 18. "But if they are to be convicted, we hope that at least they get suspended sentences."

On 4 September, a court in Azerbaijan's capital Baku extended the pre-trial detention of two female Jehovah's Witness prisoners of conscience for a further three months, Jehovah's Witnesses told Forum 18 News Service from Baku on 8 September. The two - 54-year-old Irina Zakharchenko (a disabled widow) and 37-year-old Valida Jabrayilova – have been imprisoned at the National Security Ministry (NSM) secret police Investigation Prison in Baku since February to punish them for talking to residents near their homes about their faith in December 2014.

The two women face criminal prosecution and up to five years' imprisonment if convicted in any eventual trial of offering uncensored religious literature to others.

Seven months is the maximum individuals accused of such a "less serious crime" can normally be held in pre-trial detention, according to Article 159 of the Criminal Procedural Code, though this can be extended "in exceptional circumstances" by a maximum further three months. This means that no further court-ordered extension of Zakharchenko and Jabrayilova's pre-trial detention should occur.

Another prisoner of conscience arrested for exercising the right to freedom of religion or belief, a Shia Muslim, similarly remains in detention at the NSM secret police Investigation Prison in Baku (see below).

The duty officer at the NSM secret police Investigation Prison declined to answer any of Forum 18's questions by telephone on 9 September. He even declined to confirm that the three prisoners of conscience are still alive.

Meanwhile, two of the five Sunni Muslims arrested in February and later imprisoned for selling religious literature without state permission – Azad Qafarov and Salim Qasimov – have had their appeals rejected. The appeal of the third – Imam Mubariz Qarayev – is due to continue at Baku Appeal Court on 11 September. Qasimov was freed in August at the end of his six-month sentence (see below).

And the long-running criminal trial of five further Sunni Muslims accused of holding an unapproved religious meeting in a private home is due to continue in Baku on 14 September (see below).

The jailing of Muslim and Jehovah's Witness prisoners of conscience for their beliefs is part of a broader state crackdown, including the jailing of many other prisoners of conscience, on people exercising human rights Azerbaijan's government has solemn international obligations to protect.

Secret police prisoners of conscience

In the 4 September hearings at Baku's Sabail District Court, Judge Rauf Ahmadov ruled that Zakharchenko and Jabrayilova can be held in pre-trial detention until 17 December, Jehovah's Witnesses told Forum 18. "The two women were taken to the court, but as the hearings were closed, their relatives or friends were banned from attending," they lamented. "Such hearings are normally closed."

Forum 18 was unable to reach Judge Ahmadov to find out why he considered it necessary to meet the Investigator's request to hold the women in the secret police Investigation

Prison for a further three months. Each time Forum 18 called on 9 September, his assistant said he was in a court session.

The same Judge Ahmadov ordered Zakharchenko and Jabrayilova's initial detention for three months on 17 February, the day of the two women's arrest. Judge Elshad Shamayev of Baku's Sabail District Court extended their detention for a further two months on 7 May. On 4 July the same court extended their detention for a further two months - until 17 September.

The other known NSM secret police prisoner of conscience arrested for exercising the right to freedom of religion or belief is 43-year-old Shia Muslim Jeyhun Jafarov. He was arrested in March 2015 to punish him for being a translator of Islamic works and public broadcasts.

Sabail District Court ruled in July that Jafarov can be held in pre-trial detention until 11 November.

Criminal investigations

Zakharchenko and Jabrayilova are being investigated on criminal charges of going from door to door in the Baku suburb of Pirallahi on 5 December 2014, discussing their faith and offering religious literature without state permission.

The NSM secret police is investigating Zakharchenko and Jabrayilova under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years.

The NSM secret police is investigating Jafarov on charge of treason under Criminal Code Article 274. If tried and convicted, he faces imprisonment of between 12 years and life.

The NSM Investigation Prison where Jafarov, Zakharchenko and Jabrayilova are being held (and where the five Sunni Muslim booksellers had been held until their trials, and three of the five Sunni Muslims now on trial in Baku for holding a religious meeting were held in 2014) is located on the upper floor of the main NSM secret police building in Baku.

While Jafarov has been allowed to have a copy of the Koran, he has been denied any other religious literature while in the NSM Investigation Prison. Zakharchenko and Jabrayilova have been denied any religious literature at all. Fellow Jehovah's Witnesses tried to hand in a copy of the Bible for them, but prison guards rejected it. Jehovah's Witnesses have repeatedly expressed concern about both women's emotional well-being.

Another appeal fails

The five Sunni Muslims were arrested in late February in Baku for selling religious literature without the compulsory state registration. They were then held for about five months at Baku's NSM secret police Investigation Prison.

All five – Imam Mubariz Qarayev, Habibullah Omarov, Salim Qasimov, Eyvaz Mammadov and Azad Qafarov – were connected with the Lezgin Mosque in Baku's Old City. Imam Qarayev led prayers there. The authorities have been seeking to forcibly close the Lezgin Mosque, as they have done with many other Sunni Mosques.

At separate trials at Narimanov District Court and Yasamal District Court beginning in mid-May, Qafarov was given a 15-month jail term, Omarov and Imam Qarayev one-year

jail terms, Mammadov a nine-month jail term and Salim Qasimov a six-month jail term. All the sentences were to be served in general regime labour camps.

All the five Sunni Muslim prisoners of conscience were tried and convicted under Criminal Code 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats, or up to two years' imprisonment.

Baku Appeal Court rejected Qasimov's appeal against his six-month jail term on 30 July.

The appeal by the second of the five prisoners of conscience has also failed. On 24 August Judge Mirzali Abbasov of Baku Appeal Court rejected Qafarov's appeal against his 15-month jail term, according to court records. The appeal had been due to continue on 31 August, but the preliminary hearing turned into the only hearing.

Third appeal continues

The appeal of the third, Imam Qarayev, began under Judge Aflatun Qasimov at Baku Appeal Court on 28 August, with a further hearing on 4 September. The next hearing is due on the afternoon of 11 September, according to court records. It remains unclear if the authorities are deliberately timing the appeal hearings for late morning or early afternoon on Fridays to prevent Imam Qarayev's participation in Friday prayers in prison.

Omarov chose not to lodge an appeal as he hopes for early conditional release, friends of the five men told Forum 18 from Baku. Mammadov is not known to have appealed against his nine-month prison term. As pre-trial detention counts towards the sentence and as he had been arrested on 24 February, Mammadov's sentence is due to expire on 24 November.

One freed at end of sentence, four others in prison

As pre-trial detention counts towards the sentence and as he had been arrested on 24 February, Qasimov's six-month prison sentence expired on 24 August. He was then freed, those who know the five men told Forum 18 from Baku.

After their trials, Omarov and Imam Qarayev are known to have been transferred to Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District. Their friends told Forum 18 that they believe Qafarov and Mammadov are also being held at Kurdakhani Investigation Prison.

"The prison authorities are very harsh towards Mubariz," one of Imam Qarayev's friends told Forum 18 from Baku. Friends had handed in a copy of the Koran for him, but do not know if it has been given to him.

Long-running trial

The long-running trial in Baku of five Sunni Muslims facing punishment for a religious meeting is due to continue under Judge Akshin Afandiyev at Baku's Yasamal District Court on 14 September, those close to the case told Forum 18 from Baku on 9 September. A hearing had been due on 7 September but the prosecutor told the court that he was not ready and the hearing was postponed for a week.

The five - Eldeniz Hajiyev, Ismayil Mammadov, Revan Sabzaliyev, Zakariyya Mammadov and Shahin Hasanov - are on trial to punish them for participating in a study session of the works of the late Turkish theologian Said Nursi in Hajiyev's Baku home in April 2014.

Armed police raided the meeting, detained all those present and confiscated religious literature. Nine participants were fined. Three of the five defendants in the criminal trial - Hajiyeu, Ismayil Mammadov and Sabzaliyev - spent up to five months in detention in the NSM secret police Investigation Prison in Baku before being transferred to house arrest in September 2014.

All five have been living at their homes under restrictions during the long trial. Their movements are monitored by police. They cannot leave the country and need permission to travel outside Baku.

Hajiyeu and Ismayil Mammadov are being prosecuted under Criminal Code Article 167-2.2.1 and Article 168.2. Sabzaliyev is being prosecuted under Criminal Code Article 168.2. Zakariyya Mammadov and Hasanov are being prosecuted under Criminal Code Article 167-2.2.1 and Article 168.1. The Mammadovs are brothers.

Article 168 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 when minors are involved are prosecuted under Article 168.2, which carries a maximum punishment of three years' imprisonment.

Article 167-2.2.1 punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years.

"You almost never get an acquittal here"

The criminal trial of the five began with a preliminary hearing on 10 December 2014. Since then, numerous hearings have taken place. "More than 30 witnesses needed to be questioned," those close to the case explained to Forum 18. "Only five of them spoke against the men – they were the ones classified as 'victims' because they couldn't get past the house because so many cars were parked there."

Forum 18 pointed out that the men are being prosecuted for their religious activity, not because of any parking problems a meeting might have caused. "Prosecutors regard the parking problem as a violation of people's human rights. They wanted to show that the many violated others' rights."

Those close to the case say verdicts are likely soon. "The five will definitely be convicted," one told Forum 18. "You almost never get an acquittal here. But if they are to be convicted, we hope that at least they get suspended sentences."

11 weeks with no Sunday liturgy

Forum 18 (08.09.2015) - <http://bit.ly/1IGOZ05> - Amil Javadov, head of communications at Azerbaijan's State Committee for Work with Religious Organisations in the capital Baku, told Forum 18 News Service he "can't say" why the only Georgian Orthodox priest cannot return to serve his community. The Azerbaijani State Border Service denied re-entry to the country to the only Georgian Orthodox priest (and bishop-designate), Georgian citizen Fr Demetre Tetrushvili, on 21 June. For the past 11 Sundays, the communities of its two state registered parishes in the northern Gakh Region have been

unable to host the liturgy. "People go into the church and pray individually, but without a priest there is no liturgy, no service," a Georgian Orthodox Christian lamented to Forum 18. Officials had earlier denied permission for the community to invite a second priest, while a third parish was denied registration. The Church has been banned from re-opening all but two of its historic churches closed during the Soviet period.

For the past 11 Sundays, the Georgian Orthodox community of Gakh [Qax] Region of northern Azerbaijan has been unable to meet to celebrate the liturgy, Georgian Orthodox Christians complained to Forum 18 News Service. On 21 June the Azerbaijani State Border Service denied re-entry to the country to their only priest, Georgian citizen Fr Demetre Tetrushvili. "I can't say why he can't return," Amil Javadov, head of communications at the State Committee for Work with Religious Organisations, claimed to Forum 18 from the capital Baku on 7 September.

"People go into the church and pray individually, but without a priest there is no liturgy, no service," a Georgian Orthodox Christian lamented to Forum 18. "Fr Demetre is still banned from entering Azerbaijan."

Javadov of the State Committee insisted that Forum 18 should ask its question in writing as to why Fr Demetre cannot return to his place of service. Forum 18 put the question in writing the same day (as it had done on 29 June and 3 July). Like Azerbaijan's Foreign Ministry (to which Forum 18 had put the same question on 29 June and 9 July), the State Committee had not responded to Forum 18 by the end of the working day in Baku on 8 September.

The telephones of Mehman Ismayilov, regional representative for the State Committee, went unanswered each time Forum 18 called on 7 and 8 September.

Fr Demetre (secular name Levan Tetrushvili) was based at St George's Church in Gakh and is the bishop-designate for the Georgian Church's Azerbaijan Diocese. He had served in Azerbaijan from 2011 until his sudden denial of re-entry in June 2015. He also served in the second and only other registered Georgian Orthodox parish of St Nino in the nearby village of Alibeyli.

Meanwhile, two of the five Sunni Muslims arrested in February and later imprisoned for selling religious literature without state permission – Azad Qafarov and Salim Qasimov – have had their appeals rejected. The appeal of the third – Imam Mubariz Qarayev – is due to continue at Baku Appeal Court on 11 September. Qasimov was freed in August at the end of his six-month sentence.

Three prisoners of conscience arrested for exercising the right to freedom of religion or belief – two female Jehovah's Witnesses and one male Shia Muslim – remain in detention at the National Security Ministry (NSM) secret police Investigation Prison in Baku. Two of them – the Jehovah's Witnesses – have had their pre-trial detention extended for a further three months.

Struggle for churches, priests

Azerbaijan's Georgian Orthodox community – most of whom live in Gakh Region – have struggled to be allowed to re-open places of worship forcibly closed in the Soviet period and provide clergy for them.

St George's Church in Gakh re-opened and gained state registration first. In 2010 the State Committee registered St Nino's Church in Alibeyli. In 2012, Fr Demetre discussed with the authorities a request for permission for a priest to be allowed to serve in Alibeyli. "They initially said yes, then after two hours' discussion said it was impossible," he told Forum 18 from the Georgian capital Tbilisi on 4 September.

Another parish – Holy Trinity Church in the village of Kotuklu – prepared a registration application, signed by 20 parishioners, Fr Demetre added. The application was handed to the State Committee. "For four years negotiations continued – they said this was wrong, that was wrong, this is missing, there weren't enough official founders. Ten times we corrected the documents. Then silence. They don't put anything in writing."

Amendments to the Religion Law, signed into law in July 2011, raised the required number of adult founders for a religious community from 10 to 50.

Fr Demetre noted that the local authorities in Gakh Region had banned him from using Holy Trinity Church in Kotuklu for worship. "According to the law it is not forbidden, but they are their own law," he lamented to Forum 18.

St George's Church in Kurmukh is among other historic Georgian Orthodox churches kept forcibly closed since 2007 by the authorities, despite appeals from local people.

The State Committee website lists four Georgian Orthodox churches (St George's in Gakh, St Nino's in Alibeyli, Holy Trinity in Kotuklu and St Michael's in Meshabash), with a short history of each and photos, even though it is only prepared to register two of them, Forum 18 notes.

Many registration denials

The Georgian Orthodox parish in Kotuklu is among many religious communities of a variety of faiths which have been refused state registration or re-registration since 2009, when re-registration was imposed yet again after revisions to the Religion Law.

No Jehovah's Witness, Baptist or Seventh-day Adventist communities have been able to gain state registration. Only three Protestant communities have been allowed to register (Lutheran, New Life and Word of Life), while many others have had their applications rejected or ignored. Many Sunni Muslim mosques have suffered or been threatened with enforced closure.

The State Committee claims that 632 religious communities now have state registration out of an estimated 2,000 in the country (excluding the exclave of Nakhichevan [Naxçivan], which has its own system of harsh state control on religious communities). However, given incomplete data on the State Committee website it is impossible to verify these figures. The State Committee has not responded to Forum 18's request for a full list.

Partial figures on the State Committee website indicate that 13 mosques gained registration in 2013, 38 mosques in 2014 and 35 mosques in 2015 so far. No non-Muslim communities are known to have gained state registration since May 2012. In summer 2015 the State Committee removed from its website the list of 21 non-Muslim communities which had state registration, so it remains unclear if even they still have legal status.

Struggle for diocese

The Georgian Orthodox Church Holy Synod ruled on 3 June 2014 to create a separate Diocese of Gakh and Kurmukh, splitting it from the Georgian-based Diocese of Hereti. The new Diocese incorporates the various parishes in Azerbaijan. The Synod named Fr Demetre as the bishop-designate, the Patriarchate website noted the following day. So far, he has not yet been consecrated bishop.

"The Azerbaijani government knew about this decision and knew we wanted proper juridical status," Fr Demetre told Forum 18. "The old leadership of the State Committee was prepared to give the Georgian Church proper status."

However, the Holy Synod decision came a month after Elshad Iskenderov had been sacked as Chair of the State Committee. He was replaced in July 2014 by ruling party functionary Mubariz Qurbanli. Fr Demetre notes that Qurbanli has been less sympathetic than Iskenderov to allowing Georgian Orthodox Christians to exercise their right to freedom of religion or belief. "We don't have freedom, human rights or religious freedom," he lamented to Forum 18.

In addition, the authorities have refused to allow commemorations at the grave of St Mikael Kuloshvili. The priest was killed in 1918 and is buried in the grounds of St George's Church in Gakh. The Georgian Orthodox Holy Synod pronounced him a saint in 2012.

Media "slander"

On 15 July, the Russian-language news site Day.az published an attack on Fr Demetre, insisting that he had been told that foreign citizens are not allowed to conduct "missionary activity" in Azerbaijan. The article then cited allegations about the priest, claiming these had "become known", though without giving any source for its information. It claimed that because of them, "parishioners themselves had become dissatisfied with him".

The author of the article – "Araz Mamedli" – is not known to have contributed articles to Day.az or any other news website. The website's partner sites in Azeri and English do not appear to have carried the article.

Friends of Fr Demetre described the article to Forum 18 as "slander".

"Day.az would not publish anything unless they had received approval from above," one Baku-based commentator on the media told Forum 18.

Church for "offensive" videos, but not for worship

Georgian Orthodox Christians expressed outrage to Forum 18 on 4 September that a video was filmed in St George's Church in Kurmukh depicting individuals dressed as monks fighting and digging up buried treasure. The video was filmed by and used to promote private Azerbaijani television channel ATV. Church members pointed out that they do not have access to the church for worship, while it can be used for purposes they regard as "offensive".

The Georgian Orthodox Patriarchate protested about ATV's filming and use of the video. A 5 September statement on the Patriarchate website described it as a "complete violation of religious feeling" of thousands of believers and called for the Azerbaijani authorities to take "appropriate measures".

In a statement on its website on 7 September, ATV defended its filming of "promotional, creative imagery" in a place of worship. But, it added, "taking into account the concerns of the Georgian Patriarchate" it had halted further use of the video.

Strangely, the Caucasian Muslim Board announced on 7 September that its head, Sheikh-ul-Islam Allahshukur Pashazade had visited St George's Church in Gakh and met Georgian Orthodox parishioners, according to the local media. It said he had "given help to the religious community", but did not say what this "help" consisted of.

Muslim bookseller's prison sentence "a judicial secret"

Forum 18 (11.08.2015) - http://www.forum18.org/archive.php?article_id=2088 - The nine-month prison term handed down to prisoner of conscience Eyvaz Mammadov is a "judicial secret", the assistant to the Judge who sentenced him told Forum 18 News Service from the Azerbaijani capital on 10 August. Judge Rashad Abdulov of Baku's Narimanov District Court handed down the sentence in late July or early August, his friends told Forum 18. Mammadov was the last of five Sunni Muslims from Baku convicted and imprisoned for selling religious books and other religious items which have not undergone state censorship.

All five of the Sunni Muslims had been running shops selling religious books and other items in Baku's Narimanov and Yasamal Districts. All had been arrested in late February and held until their sentences in the National Security Ministry (NSM) secret police Investigation Prison in Baku.

The five were imprisoned under Criminal Code Article 167.2-1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats, or up to two years' imprisonment.

The other four - Imam Mubariz Qarayev, Salim Qasimov, Azad Qafarov and Habibulla Omarov - received prison terms of between six and fifteen months in early July.

The five Muslims were connected with the Sunni Lezgin Mosque in Baku's Old City, where Imam Qarayev had led prayers until his arrest. The government intends to forcibly close the Mosque, one of many Sunni mosques the government has closed.

The jailing of Muslim and Jehovah's Witness prisoners of conscience for their beliefs is part of a broader state crackdown, including the jailing of many other prisoners of conscience, on people exercising human rights Azerbaijan's government has solemn international obligations to protect.

Appeal fails

Qasimov, who was given a six-month prison term at Baku's Yasamal District Court, appealed against his conviction to Baku Appeal Court. However, on 30 July Judge Ilqar Murquzov rejected his appeal, according to court records.

Pre-trial detention counts towards the term of imprisonment. As Qasimov was arrested on 24 February, he is due for release on 24 August.

After he was sentenced, Omarov was transferred from Baku's NSM Investigation Prison to Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District. Their friends told Forum 18 that they believe Qafarov, Imam Qarayev and Qasimov may already also have been transferred to Kurdakhani Investigation Prison.

Pre-trial detention appeal rejected

The 43-year-old imprisoned Shia Muslim Jeyhun Jafarov has failed in his attempt to overturn Sabail District Court's 9 July decision extending his pre-trial detention by a further four months. On 21 July, Judge Jamal Ramazanov of Baku Appeal Court rejected his challenge to the decision, according to court records.

"Jeyhun is still being held at the National Security Ministry secret police," Jafarov's lawyer

Javad Javadov told Forum 18 from Baku on 10 August. "His health is OK, but he's still being denied religious literature."

Prisoner of conscience Jafarov was arrested on 10 March to punish him for exercising his right to freedom of religion or belief by being a translator of Islamic works and public broadcasts. He has been held at the NSM secret police Investigation Prison in Baku since his arrest. The NSM secret police is investigating him on charge of treason under Criminal Code Article 274. If tried and convicted, he faces imprisonment of between 12 years and life.

The 9 July extension to his pre-trial detention means that the NSM secret police can hold Jafarov until 11 November.

Three secret police freedom of religion or belief prisoners of conscience

As well as Jafarov, two other prisoners of conscience imprisoned for exercising their right to freedom of religion or belief are being held at the NSM secret police Investigation Prison in Baku. Two female Jehovah's Witnesses, 55-year-old Irina Zakharchenko and 38-year-old Valida Jabrayilova, were arrested in February to punish them for talking to residents near their homes about their faith in December 2014. They have been held in the prison since their arrests. A Baku court on 4 July extended their pre-trial detention once more until 17 September.

The two women are being investigated under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The prisoners of conscience' appeal against their pre-trial detention was rejected on 26 February.

The NSM Investigation Prison where Jafarov, Zakharchenko and Jabrayilova are being held is located on the upper floor of the main NSM secret police building in Baku.

"No deaths, no torture" in NSM prison?

Jehovah's Witnesses have repeatedly appealed for the release of Zakharchenko and Jabrayilova. They point out that doctors have assessed Zakharchenko to be 80 percent disabled because of severe arthritis and a previous injury to her right leg. Jehovah's Witnesses have also expressed concern about both women's emotional well-being. In April, appeals over the women's detention were lodged with the United Nations Office of the High Commissioner for Human.

The duty officer at the NSM secret police Investigation Prison refused to discuss the health and well-being of Jafarov, Zakharchenko and Jabrayilova with Forum 18 on 11 August. He would not even say whether or not they are still alive. The unnamed officer referred Forum 18 to an unnamed officer of the NSM International Department.

The International Department official – who would not give his name - took a note of the three prisoners of conscience Forum 18 was enquiring about. Asked whether the three are at least still alive, the officer responded: "We've had no deaths at the prison." Asked whether any of the three are being tortured, the officer laughed. "There is no torture here – there can't be. That is something from the Middle Ages. It's not the time of Stalin either." He promised to find out information on the three prisoners.

Asked why the prison had reportedly dismissed any concerns following an enquiry by the International Committee of the Red Cross (ICRC) about the health of Zakharchenko and Jabrayilova, the NSM International Department said he knew nothing about that.

The NSM Investigation Prison was one of a number of prisons the UN Subcommittee on Prevention of Torture (SPT) visited in late April 2015, after a September 2014 visit it was forced to suspend after encountering "obstructions" from the authorities. Aisha Shujune Muhammad, head of the SPT delegation, noted on 24 April 2015 at the end of the visit that Azerbaijan "has yet to guarantee all fundamental legal and procedural safeguards to persons deprived of their liberty, including access to a lawyer, a medical doctor, and to contact his or her family". Azerbaijan has refused to allow publication of the SPT's report on the April visit.

Prisoner of conscience completes sentence

The 31-year-old Shia Muslim prayer leader and preacher Taleh Bagirov (also known as Bagirzade) completed his combined prison term of two years and four months and was freed from Qobustan Prison soon after 2 am on 31 July. His supporters and journalists had been planning to arrive at the prison at 9 am, so the authorities apparently decided to free him several hours before that without a large crowd being present. On release Bagirov had to telephone his supporters to come to collect him to take him home, Caucasian Knot news agency noted the same day.

The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted that prisoners in Qobustan have been subjected to torture.

In interviews with Caucasian Knot, Radio Free Europe and Voice of America in the days after his release, Bagirov spoke of being transferred from the "small prison [Qobustan] to the large prison", a reference to Azerbaijan. "Allah has helped us to stay on our feet and continue to struggle," he told Radio Free Europe on 31 July. "It was He who gave us the strength. As our first duty we thank Allah."

Bagirov called for the release of religious and civil society prisoners of conscience, particularly Leyla Yunus and the lawyer Intigam Aliyev (who are both among civil society figures now on trial in Baku), as well as Islamic Party activists.

Imam Bagirov was given a two-year strict regime prison sentence in November 2013 on drugs charges his supporters insist were fabricated to punish him for his religious and political activity. His driver Anar Melikov was also jailed for 19-months in August 2013. At a further trial in August 2014, a Baku court sentenced Bagirov to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell.

In November 2014, Baku's Qaradag District Court ordered Bagirov's transfer to a harsher prison regime. In December 2014, even before the decision had come into force, he was transferred from an ordinary regime camp to the harsher Qobustan Prison, along the coast to the south-west of Baku, where prisoners are held in.

Bagirov's release came the day after the Supreme Court rejected the appeal against his transfer to Qobustan Prison submitted on his behalf by his lawyer Javadov (who is also Jafarov's lawyer). On 29 July, Judge Ali Seyfaliyev dismissed the appeal, according to Supreme Court records.

Javadov had submitted the appeal to Baku Appeal Court. However, in April Judge Aflatun Qasimov suspended consideration of the appeal. The Judge rejected Javadov's motion to have a full court re-examination of the evidence allegedly justifying the transfer. The appeal was then transferred to the Supreme Court.

Criminal trial of five former prisoners of conscience to resume 7 September

The long-running criminal trial of five other Sunni Muslims under Judge Akshin Afandiyev at Baku's Yasamal District Court is due to resume on 7 September, their friends told Forum 18 from Baku on 11 August. "The trial is being dragged out, as witnesses didn't come to court," one friend said. "Eldeniz Hajiyev then lodged a complaint to court about the repeated delays and the court then brought in one of the witnesses after a three-month delay."

Since the five men's release from the NSM secret police Investigation Prison and transfer to house arrest in September 2014, they have been able to live at home. However, while the trial drags on they remain under restrictions over their movement, the friend complained to Forum 18.

The five Muslim former prisoners of conscience were with others arrested for participating in a meeting to discuss their faith which was raided by armed police and NSM secret police in April 2014. Officials confiscated religious books, money and mobile telephones. Almost all the 39 adults and two children present were taken to the police station for questioning. The five Muslims were transferred to house arrest in September 2014 after up to five months in pre-trial detention at the NSM secret police Investigation Prison in Baku.

Hajiyev and three others of the five - Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began with a preliminary hearing on 10 December 2014 and hearings have continued since then.

Hajiyev and Ismayil Mammadov are being tried under Criminal Code Article 167-2.2.1 and Article 168.2. Sabzaliyev is being tried under Criminal Code Article 168.2. Zakariyya Mammadov and Hasanov are being tried under Criminal Code Article 167-2.2.1 and Article 168.1. The Mammadovs are brothers and with Hajiyev and Hasanov face up to five years' imprisonment if convicted. Sabzaliyev faces up to three years' imprisonment.

Article 168 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 when minors are involved are prosecuted under Article 168.2, which carries a maximum punishment of three years' imprisonment.

Religious freedom survey, July 2015

Forum18 (13.07.2015) - As increasing numbers of prisoners of conscience are jailed by Azerbaijan, Forum 18 News Service notes that freedom of religion or belief and related human rights such as the freedoms of expression and of assembly remain highly restricted. Among the regime's current prisoners of conscience are 14 Muslims and two Jehovah's Witnesses jailed for exercising freedom of religion or belief. There is also one Jehovah's Witness conscientious objector to compulsory military service in a disciplinary military unit. Other freedom of religion or belief issues documented by Forum 18 are: attempts to counter discussion of human rights violations with outright denials and claims of "inter-religious harmony", "religious tolerance" and similar assertions; officials behaving as if the rule of law places no limitations on their actions; unfair trials lacking due legal process; "legal" restrictions on and punishments for exercising freedom of religion or belief; arbitrary official actions denying fundamental rights to citizens and foreigners; a highly restrictive censorship regime, including pre-publication, bookshop,

photocopy shop and postal censorship; an arbitrary compulsory state registration system, designed to make all exercise of freedom of religion or belief dependent on state permission; enforced closures of places people meet for worship, especially Sunni mosques; a ban on praying outside mosques; and severe denials of human rights in the Nakhichevan exclave.

Azerbaijan is the largest country in the South Caucasus region and with over 9 million people has the largest population. It includes the exclave of Nakhichevan [Naxçıvan], which borders Iran, Armenia and Turkey, where the human rights situation is worse than in other parts of the country. A bitter territorial dispute continues about the currently Armenian-controlled entity of Nagorno-Karabakh, which led to open war between 1988 and 1994.

Well over 90 per cent of Azerbaijan's population are ethnic Azeris (regarded as being of mostly Shia Muslim background), with around two per cent of the population being Lezgins (who are regarded as being of Sunni Muslim background). Less than two per cent of the population are Russians or other Slavs (regarded as being of Russian Orthodox or other Christian background), with smaller percentages of Jews and other ethnic minorities.

President Ilham Aliyev has ruled the country since 2003, after the death of his father Heidar Aliyev who ruled for the majority of years since 1969. Under both Aliyevs, local and international human rights defenders have documented cases of electoral fraud, corruption, and violations of human rights and the rule of law. Despite massive oil wealth, much of the population remains in poverty.

There are 80 prisoners of conscience, including lawyers, journalists, human rights defenders, opposition politicians, and 14 Muslims and two Jehovah's Witnesses jailed for exercising freedom of religion or belief. There is also one Jehovah's Witness conscientious objector to compulsory military service in a disciplinary military unit for "evasion of military service" (see below). An updated May 2015 list of Azerbaijan's prisoners of conscience published by the Norwegian Helsinki Committee was originally compiled by Leyla Yunus, Rasul Jafarov and other local human rights defenders. Many of the authors are now themselves prisoners of conscience.

Among other freedom of religion or belief issues are: attempts to counter discussion of human rights violations with outright denials and claims of "inter-religious harmony", "religious tolerance" and similar assertions; officials behaving as if the rule of law places no limitations on their actions; unfair trials lacking due legal process; "legal" restrictions on and punishments for exercising freedom of religion or belief; arbitrary official actions denying fundamental rights to citizens and foreigners; a highly restrictive censorship regime, including pre-publication, bookshop, photocopy shop and postal censorship; an arbitrary compulsory state registration system, designed to make all exercise of freedom of religion or belief dependent on state permission; enforced closures of places people meet for worship, especially Sunni mosques; a ban on praying outside mosques; and severe denials of human rights in the Nakhichevan exclave.

Denials of reality

Officials have from the late 1990s attempted to counter discussion of violations of freedom of religion or belief and related human rights with claims of an alleged "inter-religious harmony", "religious tolerance" and similar assertions. State-favoured religious communities echo such claims. President Aliyev claimed, for example, on 26 December 2014 that "all the freedoms, freedom of the press, freedom of speech, freedom of assembly, freedom of conscience, are guaranteed in Azerbaijan. All religious freedoms are fully provided in Azerbaijan".

The government even claims its repression and flagrant breaches of international law should be praised by other countries, promoting this with their apologists outside the country with terms such as "tolerance and non-discrimination", "the Azerbaijani model of tolerance", "secularism", "multiculturalism" and "peaceful co-existence". Apologists for government policy never explain how it is possible to promote tolerance and dialogue while directly attacking the rule of law and fundamental human rights such as freedom of religion or belief.

Azerbaijan's restrictions on freedom of religion or belief have been repeatedly criticised by inter-governmental organisations of which the country is a member or participant. Indeed, the Religion Law is such a flagrant example of violating human rights obligations that both the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) have drawn extensively on their October 2012 Joint Opinion on the Law in both the July 2014 Compilation of the Venice Commission opinions and reports concerning Freedom of Religion and Belief and the June 2014 OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities.

The government's response to the Joint Opinion was to deny that the Venice Commission criticised the Law, claiming on 17 October 2012 that: "the Venice Commission now considers that the Law on Freedom of Religious Belief adopted in Azerbaijan completely reflects European standards." However, the Venice Commission told Forum 18 on 22 October 2012 that: "The Venice Commission adopted its opinion fully aware of the Azerbaijani government's comments and therefore maintains its conclusions". Denials of reality are a routine tactic of the government and its apologists.

The rule of law?

Officials behave as if the rule of law, including published laws, places no limitations on their actions. Trials for alleged offences often flagrantly lacked due process, including trials taking place without those accused being aware that the trials are happening. Officials do not allow the international human rights standards to which Azerbaijan is party to limit their actions. These standards include the International Covenant on Civil and Political Rights, European Convention for the Protection of Human Rights and Fundamental Freedoms, and OSCE human dimension commitments.

In addition to the restrictions contained in published laws, many belief communities have also found that there are also unwritten restrictions. Without indications of approval from senior government figures, groups of people are unlikely to be allowed to exercise freedom of religion or belief. This in practice prevents communities from legally existing and activities such as opening places of worship, recovering property confiscated in Soviet times, holding public events and publishing religious literature.

Officials take full advantage of the unclear or undefined wording of laws and often ignore other laws and legal procedures. For example, during a June 2011 raid by police and officials of the State Committee for Work with Religious Organisations on a Baptist Sunday meeting for worship in Sumgait [Sumqayıt], a State Committee officials replied to requests to see a warrant for the raid and search with the words: "I'm the permission and the warrant."

There is impunity for extra-legal official actions. For example, on 19 July 2014 police in the central town of Mingechaur [Mingäcevir] detained two local Jehovah's Witnesses – Sakina Najafova and Elchin Bakirov – for talking about their faith with other people. Officers "invited" Najafova and Bakirov to a police station, but he refused. He was detained and then prosecuted. "If Elchin was truly 'invited' to the police station, as the officers testified, would he not then have had the right to decline their 'invitation'?" Jehovah's Witnesses pointed out. "If so, what lawful request did he disobey?"

Bakirov was fined 200 Manats (then about half a month's minimum salary or 1,600 Norwegian Kroner, 190 Euros, or 255 US Dollars) under the Code of Administrative Offences' Article 310.1 ("Wilful refusal to obey the lawful demand of a law-enforcement officer"). "The Court relied on testimony from two police officers who stated they approached Elchin and his companion and, after introducing themselves, asked them not to disturb the inhabitants of the apartment building", Jehovah's Witnesses stated. "Yet there was no evidence of any disturbance or complaints from anyone."

Zeka Miragayev – whose Baku home was raided by police and National Security Ministry (NSM) secret police without a warrant in May 2012 during which Korans and other religious books were confiscated – has fought through the courts to have the raids declared illegal. Police denied that any literature had been taken in the raid and the NSM secret police denied it had been involved at all. Miragayev lost his court challenges, has not had his books returned, and has appealed to the European Court of Human Rights (ECtHR) in Strasbourg (Application No. 29550/14). No admissibility decision had been made as of July 2015. "I want my rights to be protected by our government, not violated," he stated.

Rashad Niftaliyev from Gyanja – who has been fined four times in three years (most recently in October 2014) after police raids on unregistered meetings for worship – is among Jehovah's Witness from Azerbaijan to lodge a case (Application No. 561/12) to the ECtHR over such raids. Four other groups of Jehovah's Witness victims have lodged raid-related cases to the ECtHR since 2007 (Applications No. 52682/07 filed on 16 November 2007, 4668/10 filed on 12 January 2010, 6013/10 filed on 18 January 2010 and 42651/11 filed on 11 July 2011). No admissibility decisions had been taken as of July 2015.

There are fines and prison terms possible under Criminal Code Article 167 for obstructing others from conducting religious rituals, but there are no known cases where state officials who have prevented people exercising their right to freedom of religion or belief have been charged or punished.

"Legal" human rights violations

Azerbaijan has constructed a complex labyrinth of "legal" restrictions on and punishments for exercising freedom of religion or belief, often prepared in secret. The aim appears to be to help impose state control of society, including any independent civil society activity, and to make all exercise of human rights dependent on state permission.

The Religion Law – misleadingly called the Law on Freedom of Religion – has been amended 14 times between 1992, when it was first adopted, and July 2011. Every significant change has imposed tighter restrictions on freedom of religion or belief. Many of these amendments – like changes to the Criminal Code and the Administrative Code (see below) – were prepared in secret, with no public consultation, and were rushed through Parliament, the unicameral Milli Mejlis dominated by President Aliyev's New Azerbaijan Party. Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan in Baku, responded to claims that restrictions are fuelled by a fear of Islamic radicalism by noting in January 2011 that "it should be tackled in a different way. Using administrative punishments has not worked in Central Asia and is not going to work here."

Finding a defence lawyer willing to represent individuals accused under these laws is difficult, especially in rural areas, Zeynalov warns. "There is often just one lawyer for an entire region with a population of more than 100,000 people."

He also noted that those fined, especially rural residents without access to higher-paid work in Baku, will struggle to pay. "If for example, five members of one rural family were each fined 2,000 Manats; that would make a total of 10,000 Manats [in July 2015 about 77,350 Norwegian Kroner, 8,600 Euros, or 9,500 US Dollars]. This would represent the entire value of the family's assets, including their home." The minimum monthly wage was 105 Manats (in July 2015 about 810 Norwegian Kroner, 90 Euros, or 100 US Dollars) from 31 August 2013.

Legal restrictions in violation of international standards

Many aspects of the Religion Law – the last major changes to which were in 2009, with minor changes since then – are highly problematic, as the OSCE and Venice Commission noted. Some of the currently (July 2015) most commonly arising serious problems with the Law are outlined below. (The 2009 and 2011 changes are discussed in full in Forum 18's April 2012 Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690.)

- Religious education restricted

Article 6 states that religious education of children or adults in institutions can only happen if it is specified in the organisation's charter. It is unclear whether this is the only context in which religious education can happen. Article 10 states that "religious educational institutions act on the basis of a special permit (licence) issued by the competent executive body as defined by the legislation of the Republic of Azerbaijan". Criminal Code punishments for breaking rules on religious education were also separately introduced (see below).

Article 29 requires the State Committee to both approve and monitor such education.

Article 167-1 of the Criminal Code punishes forcing individuals, including children, to take part in religious activity or religious education. The meaning of "forcing" is undefined. Ordinary people who violate this can be punished by a fine or up to two years' imprisonment. Officials who violate this can be punished by a larger fine or between two and five years' imprisonment. This is in addition to Administrative Code Article 299 (see below).

- Sale of religious literature and objects censored

The Religion Law reinforces the existing censorship regime, along with Administrative Code Article 300 (see below). Religion Law Article 22 states: "Religious organisations, and other natural and legal persons who are not religious organisations, may produce, import, export and freely disseminate religious literature, items and other information materials". However, it allows this only "with the consent of a relevant state body", once again breaking Azerbaijan's international human rights commitments.

The Law also states that "[t]he sale of literature and objects of religious designation and other informational materials of religious content is carried out only at specialised points of sale created with the agreement of an appropriate state body." The Presidential Decree implementing amendments to the Religion Law and the Criminal and Administrative Code identified the State Committee as the "appropriate state body".

- Collective exercise of freedom of religion or belief without state permission banned

Article 12 states: "Religious organisations may function only after state registration by a relevant state body and the state registry of religious organisations." There is no legal

possibility for more than one person to manifest freedom of religion or belief without state permission. State officials, as before, use such provisions to try to ban the "illegal" exercise of freedom of religion or belief.

Under Article 12 religious communities without 50 adult founding members are not eligible to apply for state registration, banning all small religious communities.

Criminal Code Article 168.1 bans: "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." Fines are between 7,000 and 9,000 Manats (1,000 Manats was in July 2015 equivalent to about 7,735 Norwegian Kroner, 860 Euros, or 950 US Dollars), with the maximum prison term being two years.

- Doctrinal and other intrusive tests for registration

Religion Law Article 12 demands: "[I]nformation on the citizenship, residence, and date of birth of people founding the religious society, a copy of their identity cards, the basis of their religious teachings, information on the date of establishment of the religion and community, the form and methods of its activity, traditions, attitude to the family, marriage and education, information on limitations on rights and duties of the members of the community. Other documents demanded by the Law on State Registration of the Juridical Person shall also be submitted with the application." The Article does not indicate by what authority, standards, or competence state officials decide registration applications or appeals against their decisions.

- Extra reasons to refuse legal status

If state officials do not find enough grounds in the doctrinal tests or documents demanded to refuse registration, Article 12 provides extra grounds for refusal. Among other reasons, state registration may be refused if "the activity or objectives of the religious organisation, or the nature and foundations of its teachings contradict the Constitution and laws", or if "the presented charter (regulation) or other documents contradict the requirements of legislation or the information is wrong".

No independent appeal process against official decisions exists. Article 12 merely states: "Religious organisations denied state registration shall be informed of the reasons for this, citing relevant legislative provisions".

There is no timescale for officials to make decisions, other than "within the period established in law". In stark contrast, only 20 days are allowed by Article 12 for registered religious organisations to notify the state "of any changes to the information or documents required for state registration and submit documents certifying such changes." No definition is given of what constitutes "changes".

- Reasons for banning organisations

Article 12-1 allows officials to apply to a court to ban organisations for, among other reasons:

"propagating a religion and religious lifestyle by using force or threatening to use force, as well as to cause racial, national, religious, social animosities and hostility; the use of force to manifest religious faith; performance or participation in religious ceremonies, or

the dissemination and propagation of religions (religious sects) that degrade human dignity or contradict the principles of humanism";

"undermining public order or security";

"inciting people to refuse to execute duties required by law";

and "not observing the requirements of an executive body on submitting information on changes made in the information or documents necessary for state registration".

- *Religious activity restricted to approved venues.*

Article 12 states: "The religious organisation can act only at the legal address defined in the information presented for state registration." This appears to indicate that any activity outside such venues is regarded as illegal.

Article 29 requires the State Committee to approve "the suitability of planned new religious prayer sites, and reconstruction of existing religious prayer sites".

Administrative Code Article 196 punishes those who violate procedures for building in towns. Article 196.0.3-1 punishes those who build or reconstruct religious buildings without permission from the State Committee.

- *Restrictions on Muslims' freedom of religion or belief*

Muslims are subject to specific extra restrictions which do not apply to other faiths. All mosques must belong to the Caucasian Muslim Board.

Article 8 states: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board, which informs the relevant organ of executive power."

Article 21 specifies: "The performance of Islamic religious rituals and ceremonies can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan."

Most frequently used Administrative Code articles

Articles 299 ("Violation of the procedure for creating or running religious organisations") and 300 ("Violation of legislation on freedom of religion") of the Administrative Code are the articles most frequently used against people peacefully exercising the right to freedom of religion or belief.

- *Article 299*

Article 299.0.1 punishes "religious leaders who fail to register their communities with the state";

Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies";

Article 299.0.3 punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups";

Article 299.0.4 punishes "religious activity not within a religious association's registered address";

Article 299.0.5 punishes "activity by a religious association that is not in accordance with its statute". (The community's statute must be approved by the state for state registration to be given.)

Fines under Article 299 are: for individuals between 1,500 and 2,000 Manats; and for officials between 7,000 and 8,000 Manats.

- Article 300

A harsh censorship regime backed by the Criminal Code and Religion Law is in force (see below). This is backed by Administrative Code Article 300, which punishes "violation of legislation on freedom of religion":

Article 300.0.1 punishes "producing, importing or exporting religious literature, religious objects, and other information material without permission from the State Committee for Work with Religious Organisations";

Article 300.0.2 punishes "distributing religious literature, religious objects and information material without State Committee permission";

Article 300.0.3 punishes "selling religious literature, religious objects and information material in places not approved by the State Committee for the sale of such religious material";

Article 300.0.4 punishes "the conduct of religious propaganda by foreigners or stateless persons". If literature is used, this "offence" is to be punished by an unspecified article of the Criminal Code.

Fines under Article 300 are: for individuals between 2,000 and 2,500 Manats; for officials between 8,000 and 9,000 Manats; and for organisations between 20,000 and 25,000 Manats.

Those found guilty under Article 300 have their religious literature confiscated. Foreigners or stateless persons involved in undefined "religious propaganda" face deportation. This term includes selling religious books and materials which have not passed the compulsory State Committee censorship or selling them in venues not approved by the State Committee (see below).

"Without registration you can't pray"

Without state registration religious communities – and even informal groups of people meeting together – cannot legally exist or exercise freedom of religion or belief. Police and the NSM secret police have raided many religious communities that have chosen not to register, or have tried to register but have been refused. Azerbaijan completely ignores the fact that requiring state permission to exercise freedom of religion or belief and other human rights is against its legally binding international human rights obligations. As a State Committee official told Forum 18 in December 2011 after a raid on Neftechala's unregistered Baptist Church, "without registration you can't pray. We close any place of worship that isn't registered, including mosques".

About 2,000 religious communities are thought to currently (July 2015) function in some form, of which 406 had registration with the Ministry of Justice before the State Committee was set up in 2001. As of July 2015, 576 were listed as registered on the State Committee website (none of them in Nakhichevan, which has its own system of control – see below). Of these, 555 are Muslim (all from the Caucasian Muslim Board), 21 are of other faiths. Of the non-Muslim registered communities, six are Jewish (Mountain, Georgian and Ashkenazi), three are Molokan (an earlier Russian Protestant-style Christian group), two are Udi Christian (a community revived with state backing), two are Georgian Orthodox, two are Baha'i, one is Russian Orthodox (the Baku diocese with six parishes), one Catholic, one Lutheran, one New Life Pentecostal, one Word of Life Pentecostal and one Hare Krishna community.

The re-registration process has almost ground to a halt, leaving many re-registration applications unanswered. Some religious communities have found that compulsory re-registration has meant de-registration. For example, the Baptist Union had 10 registered congregations in 1992. After compulsory re-registration in 1994 it was six. After compulsory re-registration in 1999 it was two. By 2009 – before the latest round of compulsory re-registration – the Union had been able to register three congregations, in Baku, Sumgait and Gyanja. Now it has no registered congregations, as all seven congregations which lodged applications – which they have repeatedly done – have received rejections.

Liquidations

The State Committee – like other state institutions – has the right to seek the liquidation in court of an entity's legal status. For religious communities, such court-ordered liquidations mean they lost the legal right to exist and any activity they undertake becomes punishable. Religious communities which have failed to gain legal status include all independent mosques outside the framework of the state-backed Caucasian Muslim Board, as well as some of the Board's own mosques. Also without legal status are almost all Protestant churches (including Baptists, Seventh-day Adventists and Pentecostals), as well as Jehovah's Witnesses.

The first community whose legal status was liquidated since compulsory re-registration was imposed by the 2009 Religion Law was Greater Grace Church in Baku. Moves to close down the Church started in December 2011, with the case reaching court in March 2012. Church members noted numerous legal violations in the case's conduct. But Judge Nigar Rasulbeyova of the Supreme Court took eight minutes to hear and reject the Church's appeal on 9 January 2013.

In August 2012 the State Committee sought to liquidate the legal status of the only registered Muslim community in Hirdalan, a town in Absheron District near Baku with more than 40,000 residents. Hirdalan's Muslim community was legally registered by the Justice Ministry in July 2004 but the court action was brought by the State Committee. Officials would not explain how this was legally possible. The court action took place without the Muslim community being present, a court official stating that that the community had failed to lodge an appeal against the liquidation within the legally specified 10 day appeal period and so the liquidation entered into legal force a month after it was issued. Officials would not explain why they only made the liquidation public in January 2013.

In another example, the Fatima Zahra Mosque community in Baku gained state registration in 1992 and sought to build a mosque in Surakhani District. After state pressure on the community and threats to bulldoze the building, the state-favoured Caucasian Muslim Board took it over in 2010 and promised to complete it with state backing. However, the Board failed to complete the mosque building and the community

continued to meet for worship in the half-finished building. In November 2014 the Supreme Court rejected the communities final appeal against liquidation as "the mosque is to be demolished as an illegal structure".

Two religious communities who applied for registration in 2009 – Jehovah's Witnesses and Baku's Cathedral of Praise (Word of Life) Pentecostal Church – lodged suits in court, challenging what they regard as unjust and arbitrary registration denials. After nearly two years of legal hearings, on 1 February 2012 Jehovah's Witnesses finally lost their case in the Supreme Court. On 1 October 2012 the community lodged a case with the ECtHR (Application No. 49264/12). No admissibility decision had been taken as of July 2015. Cathedral of Praise won its Supreme Court case, possibly due to certain officials' intervention. The State Committee re-registered the Church in May 2012.

Other religious communities have not challenged the State Committee in court as they think they cannot win. One stated that this is because of the "corrupt nature of this country's courts", and others fear antagonising the State Committee.

Raids, prosecutions, violence

Raids on those exercising freedom of religion or belief without state permission in their homes continue. For example, Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov, Revan Sabzaliyev and Shahin Hasanov were in December 2014 on criminal trial to punish them for attending a religious meeting in Hajiyev's Baku home raided in April 2014. The "crime" of the five Muslim men was to meet to discuss the theologian Said Nursi's books and their faith without state permission. Sabzaliyev was among nine other attendees who were each fined 1,500 Manats (then about 11,400 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars) in April 2014. In a bid to extract "evidence" against the men, on 1 May Dashqin Vahabli was summoned to the NSM secret police where he was beaten. Officers tried to force him to incriminate Eldeniz Hajiyev and Ismayil Mammadov for teaching religion "illegally".

Three of the five – Hajiyev, Mammadov and Sabzaliyev - spent up to five months in the NSM secret police's Baku investigation prison. A Baku court ordered the three men's release on 12 September 2014 and transfer to house arrest. Following their release, the three lodged cases against Azerbaijan to the ECtHR claiming illegal detention. (Applications No. 74567/14, 71584/14, and 73334/14.). A criminal trial against the five still continues in July 2015.

Violence is often a part of raids. For example in a September 2013 raid on a Jehovah's Witness family, police forced their way into their home and confiscated books including personal Bibles, money, and medical and financial documents. Against the law, police gave the family no record of their confiscations. One of the women present was injured by police and needed hospitalisation when she had an epileptic fit during detention. Police detained those present at a police station for 12 hours, claiming they were terrorists, repeatedly threatening detainees with sexual violence and loss of employment. Police also pressured detainees to give up their faith, and seven people were fined the equivalent of one year's salary.

Appeals seldom succeed. After a June 2015 raid by between 10 and 15 police officers on Sabuhi Mammadov's home in Gadabay in western Azerbaijan, where about 25 Muslims were meeting to study Nursi's works, Mammadov was fined the maximum of 1,500 Manats (then about 11,485 Norwegian Kroner, 1,290 Euros, or 1,430 US Dollars) under Administrative Code Article 299.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies") and 13 other Muslims were fined 50 Manats (about 380 Norwegian Kroner, 40 Euros, or 50 US Dollars) under Administrative Code Article 296 ("Hooliganism"). Friends complained bitterly about the conduct of appeal

hearings. Judge Elshad Bayramov "began the hearing, wouldn't listen to Emin, left the room, then returned with the decision rejecting the appeal", Forum 18 was told. Police denied they had confiscated books they had taken.

Arbitrary official decisions

Registration applications need prior approval from local authorities before they even reach the State Committee, giving much scope to stop communities registering. For many years former State Notary in Zakatala, Najiba Mamedova, refused, with no legal basis, to notarise the signatures of the founders of a Baptist congregation in nearby Aliabad. The Church began applying for registration in 1994, making it the religious community denied registration for the longest known period. Church members are continuing to try to seek state registration.

Many communities complain that State Committee officials arbitrarily and repeatedly question information in founding documents on the aims and procedures, the identity of office-holders, the territory where the community operates, and the address the community wished to register at. Officials also have questioned the grammar of registration applications, and the completeness of documentation provided. Several religious communities have said that the State Committee dismisses their complaints about slowness and hostility in processing registration applications. Some have complained of officials telling them: "If you're not happy you can take us to court."

Arbitrary statute restrictions

Many religious communities have complained that, when they try to register, the State Committee has imposed on them a model statute. The text of the model statute reinforces restrictions included in the Religion Law, as well as using unclear formulations giving scope for arbitrary official actions. It also states that the community can only operate on its own property, restricts the involvement of children and young people, bans invitations to foreign co-believers, and restricts how internal decisions are made. Officials have refused to explain to religious communities why the restrictions are imposed.

Not all non-Muslim communities were given the model statute. The Catholic Church in Baku lodged its application in December 2009 and legal status was granted after an agreement between Azerbaijan and the Holy See came into force in July 2011. The agreement specifies that the Catholic Church remains subject to local laws, which meant that its statute had to be registered by the State Committee like other religious communities. Foreign priests and nuns still require visas and work permits.

Selective denials of legal status for NGOs

Selective denial of legal status also affects non-governmental organisations (NGOs) whose activity is linked to religion or belief in some way. For example, the International Religious Liberty Association (IRLA) and Devamm are among organisations denied registration by the Justice Ministry. Article 3.2.4 of the Rules for Implementing the NGO Law bans local branches in Azerbaijan of foreign NGOs from being registered if, among other things, they engage in "political or religious propaganda". Officials have refused to explain their selective treatment of NGOs.

Foreign grants and donations

On 12 March 2013, President Aliyev signed into law changes to the Religion Law's Article 18 banning religious communities from offering or giving blessings or material benefits in exchange for donations. And on 11 March, the President signed into law changes to the Law on Grants and to the Religion Law, requiring religious communities, as well as all

NGOs, to have grant agreements available for official scrutiny before they can accept foreign donations.

Related changes to the Administrative Code were made at the same time. Article 223-1 was changed to increase punishments for "illegal" receipt of grants. Article 223-1.3 specifically includes religious organisations among NGOs which can be punished for failing to obtain and make available to officials agreements to receive foreign grants. As well as confiscation of the grants, fines on officials of organisations are from 2,500 to 5,000 Manats, while organisations are subject to fines of between 8,000 and 15,000 Manats (1,000 Manats was in July 2015 equivalent to about 860 Euros, or 950 US Dollars).

Closing places of worship

As well as preventing religious communities from meeting for worship, Azerbaijan also closes buildings used for this. These have mainly been mosques; most of the mosques closed or demolished by the authorities since 2009 having been Sunni.

Among those which remain closed, which local Muslims still hope will be allowed to resume their activity, are the Albanian Mosque in Gyanja, and in Baku the Martyrs' (Shehidler) Mosque and Abu Bekr Mosque. The Abu-Bekr Mosque was hit by a grenade attack on 17 August 2008 that killed three people, also injuring the imam Gamet Suleymanov. Police officers then forcibly shaved off the beards of 20 men in the congregation, which the police refused to explain. The Mosque community lodged a complaint to the United Nations (UN) Human Rights Committee, which has sought and received further documentation, but has not yet issued a ruling. A case was lodged in March 2009 at the ECtHR over state failure to recognise anyone as victims of the 2008 attack (Application No. 16599/09). No admissibility decision has yet been taken.

Gyanja's only Sunni mosque, known as the Albanian Mosque, was opened in 1995 but closed by the authorities in 2009 without explanation. It is now a library and mosque members are now forced to pray in groups of no more than five people in private homes, often under close police surveillance. Also in Gyanja, riot police have been used to stop Protestants worshipping. They are among three religious communities in the city banned in March 2011 – including with the use of riot police - from meeting for worship.

Targeting of Sunni mosques for closure continues. Baku's small Lezgin Mosque has been under a police blockade restricting the number of worshippers from early May 2014. Police also ordered the mosque to close at 8 pm each evening, preventing it from holding the last two prayers at 9 pm and 11 pm, and have refused to discuss their instructions. Spurious excuses can be used for closures, Baku's Icherisheher (Old City) State Historical-Architectural Reserve ordering the Lezgin Mosque community to "voluntarily" leave the building before full renovation. Officials have refused to say whether the community will be able to resume use of its Mosque after renovation. After April 2015 threats that the Mosque had to close before the June European Games, officials told the community it can operate until after the Games when the Mosque will be forcibly closed for repairs - which community members insist are unnecessary. Officials have not put any of their demands in writing.

The Mosque's Imam, Mubariz Qarayev, and four others were arrested in late February 2015 and are now (July 2015) prisoners of conscience in Baku's NSM secret police Investigation Prison (see below).

In January 2015 the State Committee warned the leaders of a Sunni Mosque in Qobustan in Baku that if the leadership did not liquidate itself, hand back documents for the Mosque and allow the Mosque leadership to be replaced, the State Committee would go

to court to enforce its liquidation. The Mosque leadership complied reluctantly and a new Shia-led leadership was installed. Police also raided the Mosque and confiscated religious literature after the enforced transfer.

Despite the consistent closures of specifically Sunni mosques, Sarkhan Halilov of the State Committee for Work with Religious Organisations insisted to Forum 18 in August 2014 that the government "has nothing against Sunni mosques". But he admitted that Baku's (Sunni) Martyrs' Mosque will never be reopened.

Bans on Islamic activities inside and outside mosques

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.

Bans can also extend to activity inside mosques, only one of Gyanja's six permitted mosques being allowed by the state to hold iftar meals at the end of each day's 2012 Ramadan fast. During the Muslim commemoration of Ashura, marked by Shia Muslims (the largest religious community in Azerbaijan) as a day of mourning, the authorities are particularly nervous about processions through the streets and large-scale gatherings in mosques. Police have stopped large numbers of Muslims from gathering near mosques.

Communities denied use of their places of worship

Orthodox Christians from among the ethnic Georgian population in the north-western Gakh Region, which borders Georgia, are also banned from meeting in their own places of worship. The Georgian Orthodox Church would like to fully reopen four churches in the region, and establish a monastery. In recent years the authorities have restricted worship to no more than 30 minutes in only three of the churches – even though Georgian Orthodox state their services last "at least an hour and a half". As of July 2015, only two Georgian Orthodox communities have state registration and their priest (a Georgian citizen) was denied re-entry to Azerbaijan to serve these communities.

Other religious communities are also seeking the return of historic places of worship confiscated in Soviet times. Baptists in Baku – some of whom still remember praying in the church before its enforced closure by the Soviet authorities – want the return of their place of worship, now a puppet theatre. Similarly, Baku's Baha'i community repeatedly applied from 2005 for the return of their 1880-built building – "the only building in the world named after Abdul Baba, the son of our prophet" a Baha'i community member said. In late 2012 the authorities demolished it. In many "redevelopment" cases buildings have been demolished and their occupants evicted with little notice and no compensation.

Closures even of non-public places of worship

Such closures of places where people meet for worship continue, and extend even to places without much public visibility, such as a January 2012 closure of a Muslim prayer room in Baku's Yasamal District owned by the Society for the Deaf, an NGO.

The state's systematic campaign to close Sunni mosques (see above) forces Sunni Muslims to find alternative venues to meet and pray together. Zohrab Shikhaliyev opened a prayer room in his home in Sumgait as there is no Sunni mosque. However, plain clothes police officers arrested nine Muslims – among them Shikhaliyev – as they arrived for prayers at his home at about 12 noon on 13 November 2014. In what seems to be a routine police claim in such cases, police claimed to have discovered a Walther pistol and three bullets, 48 other bullets of various calibres, three grenades, six detonators and two memory cards from security cameras. They also confiscated religious

literature and 210 discs. Shikhaliyev's brother Samir insisted to Caucasian Knot news agency that the police planted the weapons.

Police at the town police station subjected the nine Muslims to "insults and humiliation" and physical violence, beating a Nagorno-Karabakh war invalid "on my back and head", another in the kidneys and causing several others to need medical treatment. The State Committee claimed the raid and arrests were "completely legal and necessary". "These people in fact created a structure similar to a terrorist cell," its Head Mubariz Qurbanli claimed. He insisted that police elsewhere will continue with further such operations, and the State Committee would continue to counter "radical religious ideologies".

Zohrab Shikhaliyev himself was arrested at about noon the same day in his car elsewhere in Sumgait. His car has not been seen since. In February 2015, he was found guilty of keeping illegal weapons and ammunition in his home under Criminal Code Article 228.1 and given a six-month jail term. He was freed on 13 May at the end of his sentence, six months to the day since his arrest.

Prisoners of conscience on grounds of freedom of religion or belief

There are currently (July 2015) 18 prisoners of conscience - 14 Muslims and two Jehovah's Witnesses - jailed for exercising freedom of religion or belief. In addition, there is one Jehovah's Witness conscientious objector to compulsory military service in a military disciplinary unit (see below).

Largest group of prisoners of conscience

The largest group of prisoners of conscience jailed on grounds of freedom of religion or belief is a group of men arrested for protesting against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. Street protests in Baku were held in December 2010, May 2011 and – a much larger protest – in October 2012.

Seven men arrested in connection with the October 2012 protest are still in prison as of July 2015. All but one were convicted under Criminal Code Article 233 ("Organisation of actions promoting infringement of a social order or active participation in such actions"). They are: Tarlan Agadadashov (5 years, 6 months, Prison No. 16), Rovshan Allahverdiyev (5 years, 6 months, Prison No. 16), Nasimi Hasanov (4 years, Prison No. 16), Ilham Hatamov (5 years, 6 months, Prison No. 14), David Karimov (6 years, Prison No. 16), Elshad Rzayev (6 years, Prison No. 16), and Telman Shiraliyev (6 years, Prison No. 16). Thirteen others jailed at the same time had been freed by July 2015.

An updated May 2015 report on Azerbaijan's prisoners of conscience, published by the Norwegian Helsinki Committee, originally compiled in 2014, noted on the October 2012 anti-hijab ban protest outside the Education Ministry: "The action was peaceful and protesters refrained from confronting the police and employees of other law-enforcement agencies". "Provocateurs were used", the report continues. "These provocateurs threw wooden sticks bearing protest slogans and imitated resistance to police. This was done to fuel claims that the action was not peaceful. None of the provocateurs, who are clearly seen in the photos and videos, have been detained".

Jailed Shia imam prisoner of conscience

Imam Taleh Bagirov (also known as Bagirzade) led prayers and preached at a Shia mosque near Baku in defiance of the authorities' pressure and was arrested on 31 March 2013, together with his driver Anar Melikov. In sermons shared on social media, Bagirov compared the government to the Egyptian pharaohs. ""You have stolen people's land, you have stolen the oil, and you still sit there with no one to say anything to you", the

the Institute for War and Peace Reporting quoted Bagirov as saying. "Now you want to rule in the mosque too? No matter how influential an official is, he cannot rule inside the mosque."

Imam Bagirov was beaten up after his arrest and police claimed they had found just over a gram of heroin on him and a pistol, bullets and a knife when they searched Melikov. Community members insist these accusations are fabricated. Bagirov was given a two-year strict regime prison sentence on 1 November 2013. The authorities attempted to use a sermon to prosecute him, but even the State Committee's analysis – completed in mid-September and shared with Bagirov's lawyers – found no basis for any criminal charges. "They realised they would have made themselves a laughing stock if they had pursued these charges", his lawyer Javad Javadov said. Bagirov's driver Melikov was given a 19-month labour camp term for allegedly having a gun and four bullets. His lawyer Anar Kasimov denounced this "tragicomedy and mockery of justice".

In August 2014 Bagirov was given an extra four months' imprisonment at a new trial in Baku for allegedly possessing an illegal mobile phone in his cell. His lawyer Javad Javadov insists that the phone was planted as Bagirov "is under intense scrutiny in prison and couldn't have a mobile phone". Judge Suleyman Agayev claimed that Bagirov had "half admitted" the accusation. Bagirov is still trying to challenge a transfer to the harsher Qobustan [Gobustan] Prison from December 2014, which illegally took place despite an appeal pending.

NSM secret police Investigation Prison prisoners of conscience

The NSM secret police Investigation Prison currently (July 2015) contains eight known prisoners of conscience held for exercising their freedom of religion or belief. Four of the eight – all Sunni Muslims associated with the Lezgin Mosque – have been jailed with the fifth Lezgin Mosque prisoner of conscience on trial (see below). Two more prisoners of conscience – both female Jehovah's Witnesses who have been held since February – have had their pre-trial detention extended by two months. The remaining prisoner of conscience held for exercising his freedom of religion or belief in the NSM prison is a Shia Muslim.

The five imprisoned Sunni Muslims – Imam Mubariz Qarayev, Habibulla Omarov, Salim Qasimov, Eyvaz Mammadov and Azad Qafarov - are accused of distributing religious literature which has not undergone the compulsory state censorship. The five men had run several shops selling books and other religious items in Baku's Narimanov District. They were arrested in late February. All five were ordered held in pre-trial detention for three months while the investigation was conducted. The Lezgin Mosque in Baku's Old City, which all five are associated with and where Qarayev was imam until his arrest, is one of many Sunni Muslim mosques the government seeks to close (see above).

Criminal cases against the five were completed in late April and handed over to Baku's Narimanov District Court in early May. Qafarov was given a 15-month jail term on 6 July, Omarov a one-year jail term on 7 July and Qasimov a six-month jail term on 2 July. On 10 July Imam Qarayev was given a one-year jail term. Omarov was transferred to Baku's Investigation Prison No. 1 where the other may also be sent. Mammadov's criminal trial continues.

The two female Jehovah's Witness prisoners of conscience Valida Jabrayilova (who is 38) and Irina Zakharchenko (who is 55), whose pre-trial detention was extended, were arrested in February 2015 and are being investigated on criminal charges of being an "organised group" distributing religious literature which has not undergone the compulsory state censorship. In separate hearings on 7 May, Judge Elshad Shamayev of Baku's Sabail District Court extended until 17 July their pre-trial detention.

Judge Shamayev has been instrumental in facilitating the government's pre-trial detention in 2014 and 2015 of Muslim and Jehovah's Witness prisoners of conscience on grounds of religion or belief. He has refused to answer questions about his repeated role in such imprisonments.

The NSM secret police Investigation Prison also holds Shia Muslim theologian and translator Jeyhun Jafarov. He is 43 and was arrested on 10 March on treason charges, which carry a maximum lifetime prison term. "Jeyhun didn't commit any offence", family members insisted to Forum 18. "There is no proof and he rejects the accusations. The charges have been brought because of his religious activity – there is no other explanation." Jafarov has led haj pilgrimage groups to Mecca, conducted a series of television programmes on Space TV on religion entitled "Night Conversations" and has translated two books entitled "Ethics in Islam" by the late Iranian Ayatollah Mohammadreza Mahdavi Kani. He also led the Evolution Translation Centre.

There is also currently (July 2015) one conscientious objector to compulsory military service who was in April 2014 sentenced by a military court to one year in a disciplinary military unit, for "evasion of military service" (see below).

Prison conditions

Imam Bagirov's wife and their two children are unable to visit him in prison, his lawyer being the only person allowed to visit. "Taleh is kept in isolation. Every time he leaves his cell he is put in handcuffs", Javadov stated. "This is allowed only for extremely dangerous prisoners." Similarly, no relatives, friends or fellow-believers have been allowed to visit the eight NSM secret police Investigation Prison prisoners of conscience. Only their lawyers are allowed to visit, families have told Forum 18.

Fellow Jehovah's Witnesses remain highly concerned about Jabrayilova and Zakharchenko. "We think that physically they are well, but are worried about their emotional state", Jehovah's Witnesses told Forum 18. Relatives brought a Bible for each of them, but prison officials refused to accept them. The women are allowed no Jehovah's Witness literature. Their lawyers said they were unable to help resolve this.

Neither Imam Bagirov nor the eight NSM Investigation Prison prisoners of conscience have not been allowed literature, apart from Jafarov being allowed an Azeri-language translation of the Koran. Family members sent Jafarov a copy of the Koran in Arabic, but prison officials refused to give it to him. "They told us he had no need of it", family members told Forum 18. In Islam the Koran is only permitted to be recited during worship in Arabic, making the refusal to give Jafarov an Arabic-text Koran very harsh. Jafarov is also not allowed to have a watch with him to be able to know when it is time for prayer, his lawyer Javad Javadov told Forum 18.

After a 2008 visit the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated that prisoners in Qobustan Prison were subjected to "deliberate physical ill-treatment and excessive use of force by prison officers. The forms of ill-treatment alleged consisted mainly of punches, kicks and blows with truncheons, as well as sexual abuse using a truncheon. The ill-treatment had reportedly been inflicted in the establishment's 'club' (i.e. association room), disciplinary unit and the exercise yards adjacent to it. In addition, a number of prisoners complained that certain prison officers had subjected them to verbal abuse."

The CPT also noted that "the delegation witnessed an attempt by a prison officer to threaten a prisoner for having spoken to the delegation. It also became apparent during the visit that certain prisoners detained at Gobustan Prison had been warned against making complaints to the delegation"

The NSM Investigation Prison in Baku was one of a number of prisons the UN Subcommittee on Prevention of Torture (SPT) visited in late April 2015, after a failed September 2014 visit which encountered "obstructions" from the authorities. Aisha Shujune Muhammad, head of the SPT delegation, noted on 24 April at the end of the visit that Azerbaijan "has yet to guarantee all fundamental legal and procedural safeguards to persons deprived of their liberty, including access to a lawyer, a medical doctor, and to contact his or her family".

Azerbaijan has refused to allow publication of either the SPT's report on the April visit, or a December 2012 report by the CPT.

Conscientious objection

Ahead of its accession to the Council of Europe in January 2001, Azerbaijan promised "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative civilian service."

Yet conscientious objectors to military service have been repeatedly prosecuted and jailed. Some of the Jehovah's Witness former conscientious objector prisoners of conscience have appealed to the ECtHR: Farid Mammedov in July 2011 (Application No. 45823/11), Mushfiq Mammedov (no relation of Farid) and Samir Huseynov in March 2008 (Application No. 14604/08). No admissibility decisions have yet been taken as of July 2015.

Article 76, Part 2 of the Constitution states: "If the beliefs of citizens come into conflict with service in the military then in some cases envisaged by legislation alternative service instead of regular military service is permitted." But Criminal Code Article 321.1 states that: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]." A similar but not identical "offence" is defined by Article 4 of the Religion Law (see above), which punishes "refusing or declining to fulfil obligations determined by the law for his/her religious beliefs".

The only known current conscientious objector prisoner is Jehovah's Witness conscientious objector Kamran Shikhaliyev, who was forcibly conscripted in October 2013 and transferred to a military unit. He has been subjected to "physical abuse, verbal humiliation, and psychological pressure" but refuses to wear a military uniform, perform military duties, or take the military oath. In April 2014 a military court sentenced Shikhaliyev to one year in a disciplinary military unit for "evasion of military service". However, he was transferred to a disciplinary military unit in Salyan only in December 2014, and his sentence was reportedly deemed to start from that point, even though he had already been held for 14 months.

Censorship

Azerbaijan runs a highly restrictive censorship regime, breaking the international human rights standards it has formally obliged itself to implement. All religious literature printed in and imported into the country must gain specific approval from the State Committee. The State Committee also specifies the number of copies of each named work that may be printed or imported, checks the contents of shops selling religious literature, and has a list of banned religious literature which the Expertise Department – which is responsible for the list – has not made public, despite numerous requests.

However, the then State Committee Chair Elshad Iskenderov claimed on 12 April 2013 that it was preparing to publish "soon" a list of religious publications it has banned. This list had not been published as of July 2015, despite requests from members of various religious communities.

On 5 May 2014 a list of what Baku's APA news agency described as "some of the most radical and dangerous banned religious books" was published by them. The list – apparently compiled by police based on State Committee "expert analyses" – is not so far known to have been published by any state agency. When contacted by religious communities, the State Committee claimed it was "false" and did not come from them – but they refused to put this in writing. However, police may be acting on the basis of this or a similar list, for example in May 2014 confiscating from Jehovah's Witnesses in the northern town of Gakh what they described as "the banned book the Old Testament".

The text confiscated was "Muqeddes Kitab", a modern Azeri-language translation in Latin script used by Jehovah's Witnesses, Protestants and Jews.

The list of 28 works includes "Holy Book – Old Testament", and as with other items on the list gives no details of the edition or language concerned, apart from in some cases a named author. It also includes the 14-volume Risale-i Nur (Messages of Light) collection of writings by the Islamic theologian Said Nursi, as well as two Jehovah's Witness publications, including their magazine "Watchtower" (which appears twice). The list does not appear to include all texts confiscated by police, and may not be the only such list in existence. Most texts on the list are Muslim. "Judging by the titles of others they are Shiite and relate to its religious ideology and history", a Muslim told Forum 18 from Baku. "Some of them express hatred of Wahhabism/Salafism. One – entitled 'The consequences of Jewish evil' – appears to be an anti-Semitic text."

Zeka Miragayev, a Muslim from Baku, has been trying to find out from the State Committee whether works by Nursi – particularly the Risale-i Nur collection – have been banned and, if so, when, why and by whom. In May 2014 the State Committee replied that Risale-i Nur is "inappropriate for import in large quantities or publication, and has not objected to it being brought into the country only in special cases when there is no intention of propaganda (and on condition of no more than one copy)." A friend of Miragayev noted to Forum that "They didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?"

Censorship unconstitutional and legal?

Censorship violates the Constitution, Article 50 of which states: "Freedom of information. I. Everyone is free to look for, acquire, transfer, prepare and distribute information. II. Freedom of mass media is guaranteed. State censorship in mass media, including press, is prohibited."

Yet despite this, censorship of religious literature – which existed during the Soviet period – was continued in the 1992 Religion Law and its subsequent amended versions up to and including the 2011 revision. The Law requires permission from the State Committee before a religious community can publish, import or distribute any religious literature. Also, Article 22.2 allows religious organisations, other legal entities and individuals to distribute religious literature and other religious-related articles only at venues approved by the authorities and with markings showing they have been approved.

In December 2011 a new Criminal Code Article 167-2, banned: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate

authorisation". Such "crimes" – including distributing uncensored religious literature – had previously been punished only under Administrative Code Article 299 (see above).

Punishments for first time offenders acting alone under Criminal Code Article 167-2 are a fine of between 5,000 and 7,000 Manats or up to two years' imprisonment. Such an "offence" by a group of people "according to a prior conspiracy", by an organised group, by an individual for a second time or by an official would attract a fine of between 7,000 and 9,000 Manats or imprisonment of between two and five years.

Article 9.2 of the July 2001 Statute specifying the duties of the State Committee states it must: "Take control of the production, import and distribution of religious literature, items, and other religious informational materials and give its consent on the bases of the appeals of the religious institutions and relevant state bodies in accordance with the established procedure."

In a 6 February 2013 Decree, President Aliyev changed the Statute's two references to "religious literature, articles, and other information materials of religious content" in Article 7.8 and Article 7.9-6 to "religious literature (paper and electronic media), audio and video materials, goods and products, and other informational materials of religious content".

Religious literature published openly in Azerbaijan usually contains a sentence on the copyright page "Publication approved by the State Committee for Work with Religious Organisations", together with the code of the approval (DK for State Committee and a number and letter).

Legal amendments approved in July 2012 specify that not only medicines, books and recordings, but "literature with a religious purpose (both hard copy and electronic), audio and video material, goods and produce and other information material with a religious theme" require a state-issued "verification mark" before they can be sold. Those selling religious materials without such marks risk fines and confiscation of the materials.

In April 2013 Article 22 of the Religion Law was changed to require all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country. It also requires that religious materials be sold only in specially designated shops.

Expertise Department

The State Committee Expertise Department's main task is censorship of religious literature which individuals or religious communities want to publish or import into Azerbaijan. If it approves them it also specifies the number that it approves. Such numbers are often far below the number sought.

Even if the compulsory State Committee "expert analyses" are favourable, there can be further arbitrary restrictions. As an April 2012 Baku Administrative Economic Court No. 2 verdict on a Jehovah's Witnesses appeal against censorship stated: "Because it is not only this Community that imports religious literature into the country, it is impossible to provide them with additional privileges, or it would be contradicting the law. At the same time, in order to create an environment of freedom of conscience, putting limitations upon the import of a sufficient amount of literature is normal for all communities." The Court also argued that as the extra literature for which permission had been denied was to be used to give to others, the rights of the plaintiffs had not been violated and therefore no claim for damages was applicable.

De facto discrimination against small or vulnerable religious groups

Despite official controls, many Muslims state that publishing Islamic literature is not difficult, and that often printers do not ask to see any approval from the State Committee before they print books or other literature.

Small or vulnerable religious groups though, especially those wanting to publish in Azeri, face difficulties. "If a book is connected with religion, the printer will ask to see permission in writing from the State Committee, including the number of copies they are allowing to be printed," one Protestant said. "No printing house will print anything without this approval."

Small and vulnerable religious groups expressed frustration not only about denials of permission, a frequent occurrence, but at the way the State Committee often fails to respond to requests for permission. This has resulted, for example, in Catholics receiving lectionary readings (excerpts from the Bible for reading at Mass each day) by e-mail from outside Azerbaijan, rather than importing this information in printed form.

Postal censorship

Azerbaijan also imposes a strict censorship regime on literature sent by post, due to which many religious communities have stopped using the post to receive literature.

All incoming postal parcels are sent to the International Post Office in Baku, regardless of where the intended recipient lives in Azerbaijan. Wherever they live in the country, the intended recipient has to go – in person – to the International Post Office in Baku. The intended recipient then has to collect one copy of each title posted to them and – in person – take it to the State Committee. When and if the State Committee grants or withholds permission to receive the title, the intended recipient then has to – once again in person – collect a letter from the State Committee and take it back to the International Post Office.

Many members of religious communities have complained of the extraordinary effort needed to try to extract even a handful of books that should rightfully be theirs, which often ends in failure.

Censorship at the borders

Religious literature is also often confiscated from those crossing into Azerbaijan, and is occasionally confiscated also from those leaving the country. No mention is made in Azerbaijan's laws – such as the Religion Law, or the Statute of the State Committee for Work with Religious Organisations – of censorship of religious literature taken out of the country. Customs regulations are also silent on this point. Yet the State Customs Committee advice for individuals crossing the border notes in Point 4: "The following goods can be brought by physical persons through the customs border of the Azerbaijani Republic with the permission of the competent agency: weapons designed for official or private use, as well as ammunition for them can be carried only with the special permission of the Interior Ministry; literature, objects, as well as other media of religious significance can be carried only with the permission of the State Committee for Work with Religious Organisations."

Confiscated Christian books have on occasion been handed to Azerbaijan's Russian Orthodox diocese, even though many of the books may have been confiscated from people who are not Russian Orthodox. Literature confiscated has included personal copies of the Koran and the Bible. Some religious communities, such as the Georgian Orthodox Church and the Baptist Union, have had limited success in appealing directly to the State Committee to allow small quantities of religious literature into the country.

Jehovah's Witnesses have repeatedly tried through the courts – even up to the Supreme Court and the Constitutional Court – to challenge the State Committee's right in law to censor religious literature. As noted above, they have also tried to challenge the State Committee's rejection of some of their literature import applications or reduction in the numbers of copies of a work they are authorised to import. However, they have failed.

Bookshop and photocopy shop censorship

Under Administrative Code Article 300 and the Religion Law's Article 22, state permission is needed to sell any religious literature, objects, or information materials. Controls on bookshops also existed pre-2009 and are applied against all religious literature.

The compulsory licensing before religious books and objects can be sold is not uniformly applied across the country. Some general bookshops, street traders and places of worship sell religious titles apparently without the necessary permission. Local people state that this leaves them vulnerable to officials seeking bribes to ignore evasions of the law. Arbitrary refusals and long delays in processing licences to sell religious literature, as well as approvals of the titles and quantities to be sold, appear common.

Ilgar Ibrahimoglu Allaverdiev, head of the Devamm Muslim religious freedom organisation, noted that traders were reluctant to make official complaints in writing, fearing state reprisals, and preferred to complain verbally. "Fines for selling religious books without a licence hang over traders like a sword of Damocles".

This can lead to prosecutions. In summer 2014, 244 Muslim books were confiscated from Kamran Abdiyev, who lives in Qaradag District of south-western Baku. "He was acting as a bookseller illegally," an official of the State Committee's "Expertise" Department told Forum 18 on 25 May 2015. "He had no licence from the State Committee, no permission to sell religious literature – indeed, he hadn't made himself known to us. He was selling such literature clandestinely." Abdiyev was on 9 September 2014 fined 6,000 Manats (now about 44,240 Norwegian Kroner, 5,250 Euros, or 5,710 US Dollars), or about 18 months' average salary.

Small or vulnerable religious groups have also told Forum 18 that some photocopy shops refuse to copy their literature. "If it's 50 or so copies many won't accept it, either because they are Muslims or because they are afraid of the police," one Protestant said February 2009. "Please don't do it here – it's dangerous, they say."

Nakhichevan

The situation in the Nakhichevan exclave is worse than in the rest of the country. An autonomous territory of Azerbaijan on the Arax River wedged between Armenia, Turkey and Iran, the exclave has a population of more than 400,000 and its own government and parliament. The autonomous territory's restrictions on people's ability to exercise human rights, including freedom of religion or belief and other political and social freedoms are far tighter than in the rest of Azerbaijan. These include a de facto ban on people exercising freedom of religion or belief who are Shia Muslims outside state control, Sunni Muslims meeting as communities, and non-Muslims such as Baha'is, Seventh-day Adventists, Hare Krishna devotees, or Russian Orthodox.

Restrictions are particularly tight during the Shia Muslim commemoration of Ashura, which in 2014 fell on 4 November. "This is constantly the case," Yafez Akramoglu of Radio Free Europe said. "People themselves know not to go to mosque." He pointed to his home village where up to 400 people would attend Ashura commemorations a decade ago. "This year there were between 10 and 15 people."

As in the past, in 2014 police stood outside mosques at Ashura and once again prevented young people, especially school children and students, from entering, Malahat Nasibova, Head of the exclave's Democracy and NGO Development Resource Centre, told Forum 18 from Baku. Outside Ashura such freedom of religion or belief violations also continue to the present day. There is long-standing tight government surveillance of mosques, the only places of worship permitted. Many state employees in Nakhichevan – and even employees of many private companies, some of which have ties to state officials – are "too afraid" to attend mosques, Akramoglu of Radio Free Europe and Nasibova of the Democracy and NGO Development Resource Centre both separately told Forum 18. Employees fear possible dismissal if they are known to attend mosque.

Perhaps up to 50 mosques across Nakhichevan – especially those the government thinks are oriented towards Iran – appear to have been forcibly closed by the state following the mid-November 2014 arrests, according to Akramoglu. "When we came out we saw that the locks on all the mosques' doors had been broken and new locks installed," he quoted the released detainee as declaring. Most of the mosques have reopened, but under new leadership "closer to the authorities" Akramoglu stated. The new imams were imposed on the mosques by the new Multiculturalism and Religious Affairs Committee.

Nakhichevan city's Turkish-built Sunni Juma Mosque was closed in February 2011 after the enforced departure of its Turkish imam. The Mosque was closed for about a year and when it reopened in early 2012 it was under the control of an officially-backed Shia imam, according to Nasibova and Akramoglu.

Nakhichevan's police and NSM secret police raided many homes in mid-November 2014, detaining about 200 Muslims, Akramoglu of Radio Free Europe and a Muslim from Baku who did not wish to be identified for fear of state reprisals both told Forum 18. Within up to 48 hours, up to about half of those detained were reportedly freed. About 60 were freed when the authorities established that they are Sunni Muslims who study the works of Said Nursi, one of their friends told Forum 18 from Baku on 26 November 2014. An unknown number appear to be still in detention and under investigation on treason charges.

Sunni Muslims who study Nursi's works have also been the authorities' targets. One man who requested not to be identified for fear of state retaliation told Akramoglu that when he was freed, he and others were told that if they attended mosque in future they would be arrested again. Sunni Muslims were in 2010 told not to attend a Sunni mosque and since 2011 the only permitted mosques have been Shia.

Three Muslims who read Nursi's works were freed from prison on 11 February 2015. Two were seized in Nakhichevan in January and the third in Baku and transferred to the exclave. All three were held without any court approval. They were beaten to force them to "confess" to a "crime" (distributing anti-government leaflets) one of their friends insisted to Forum 18 they had nothing to do with. Police have confiscated passports from all three to prevent them leaving the exclave. A fourth fled to Turkey to evade possible arrest, though Azerbaijani police tried to kidnap him there. The Head of Nakhichevan's Department for Work with Religious Organisations Vuqar Babayev declined to discuss the cases with Forum 18.

In Nakhichevan some extra formal restrictions on freedom of religion or belief have also been introduced. In a 29 November 2014 interview with Nakhichevan's official newspaper "Sharq qapisi" (Eastern Gate), the Head of Nakhichevan's Department for Work with Religious Organisations Vuqar Babayev outlined the state's formal controls over exercising freedom of religion or belief. He noted the requirement that – as in the rest of Azerbaijan – mosques and their imams must have state permission to operate. Also, all

religious literature imported into Nakhichevan (wherever it is from) must be censored in advance by his Department, he stated.

Babayev also stated that all imams must wear a prescribed uniform. He said two sets of such a uniform and pairs of shoes had been issued to each state-appointed imam. No such uniform is required for imams in the rest of Azerbaijan. Also unlike in the rest of Azerbaijan, in Nakhichevan policy on freedom of religion or belief is enacted by the Department for Work with Religious Organisations. This is under the Nakhichevan authorities, not the central State Committee for Work with Religious Organisations in Azerbaijan's capital Baku. Babayev was appointed head of Nakhichevan's Department on 1 July 2013 by a decree from Vasif Talibov, the Chair of Nakhichevan's Supreme Council since 1995 and the exclave's de facto ruler.

Under a 20 August 2014 Decree, a new Multiculturalism and Religious Affairs Committee was established with branches in each District of Nakhichevan. Promoting religion "in the right direction", controlling public rituals, especially funerals, and countering "religious sects" (presumably within the Muslim community) appear to be key tasks, according to a 20 September interview in "Sharq qapisi" with Committee Head Mirhashim Seyidov. He claimed that Nakhichevan has 209 mosques and 638 registered imams.

Future prospects

Azerbaijan systematically violates intertwined fundamental rights – such as the freedoms of religion or belief, of expression and of assembly – it has solemnly undertaken to respect and defend, while loudly claiming the government's alleged commitment to "religious tolerance", "dialogue" and similar assertions. The country's laws and official actions repeatedly seriously violate freedom of religion or belief and related fundamental freedoms. This makes it likely that the government intends to continue to deliberately and systemically violate human rights.

Azerbaijan seems likely to remain a state where officials violate fundamental human rights with impunity and the state makes exercising human rights conditional upon state permission.

Three Muslim prisoners of conscience jailed for 15 to 6 months for selling books

Forum 18 (10.07.2015) - Three of five Sunni Muslims arrested in Azerbaijan's capital Baku in February have been given prison terms for selling books and other religious items which have not undergone the state censorship. Azad Qafarov was given a 15-month prison term, Habibulla Omarov a one-year prison term and Salim Qasimov a six-month prison term, fellow Muslims who know them told Forum 18 News Service from Baku on 8 July.

The criminal trials continue of the other two of the group, Imam Mubariz Qarayev and Eyvaz Mammadov.

All five prisoners of conscience have been accused of selling books and other religious items illegally. They are also associated with the Sunni Lezgin Mosque in Baku's Old City which the government intends to forcibly close (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Imam Qarayev led prayers and preached at the Mosque.

Including the five Sunni Muslims, eight prisoners of conscience are being held in the National Security Ministry (NSM) secret police Investigation Prison in Baku because of their faith. The five Sunni Muslim prisoners of conscience were arrested by the NSM in February and have been held since then, along with two Jehovah's Witness prisoners of conscience and one Shia Muslim prisoner of conscience (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

On 4 July a Baku court added two more months of pre-trial detention to the two Jehovah's Witness prisoners of conscience in the NSM Investigation Prison, Irina Zakharchenko and Valida Jabrayilova. On 9 July the same court added another four months of pre-trial detention to the Shia Muslim prisoner of conscience in the Investigation Prison, theologian and translator Jeyhun Jafarov (see below).

In a separate case in Gadabay Region of western Azerbaijan, the leader of a group of Sunni Muslims was given a very large fine in early June and about 12 others were fined for alleged hooliganism. The fines followed a police raid on a meeting to study the works of Islamic theologian Said Nursi (see forthcoming F18News article).

In late June, Azerbaijani border authorities denied entry to Georgian Orthodox priest Fr Demetre Tetrushvili, who has served two Georgian Orthodox parishes in Azerbaijan's north-western Gakh Region for the past four years. With no priest now, the local Georgian Orthodox community has been deprived of the opportunity to hold the liturgy or receive other sacraments (see forthcoming F18News article).

These human rights violations are part of a wider continuing state crackdown on people exercising human rights. Azerbaijan's government has solemn international obligations to protect (see eg. <http://www.nhc.no/en/countries/europe/azerbaijan>).

Trials, prison sentences

All five Sunni Muslim prisoners of conscience had run several shops selling books and other religious items in Baku's Narimanov and Yasamal Districts. All are also associated with the Sunni Lezgin Mosque in Baku's Old City which the government intends to forcibly close (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Imam Qarayev led prayers and preached at the Mosque.

All the five Sunni Muslim prisoners of conscience are being tried under Criminal Code 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats, or up to two years' imprisonment.

Four of the cases (Qafarov, Omarov, Qarayev and Mammadov) were handed over for trial in early May to Baku's Narimanov District Court. Qasimov's case was handed to Yasamal District Court as this was where his shop was based.

Qafarov's trial at Narimanov District Court was the first to begin, with a preliminary hearing under Judge Turqay Huseynov on 18 May, according to court records. The trial proper began on the morning of 29 May, with further hearings on 8 and 19 June and 3 and 6 July. Qafarov denied any wrongdoing.

Judge Huseynov found Qafarov guilty at the final hearing on 6 July and handed down a 15-month prison term.

Omarov's trial at Narimanov District Court began next, with a preliminary hearing under Judge Rashad Abdulov on 19 May. The trial proper began on the morning of 27 May, with further hearings on 9, 19 and 30 June and 7 July. Omarov denied any wrongdoing.

Judge Abdulov found Omarov guilty at the final hearing on 7 July and handed down a one-year prison term.

Qasimov's trial took place at Yasamal District Court under Judge Azer Tagiyev. He denied any wrongdoing.

Because Qasimov has eight young children, Judge Tagiyev gave him a six-month prison term on 2 July.

Trials of two prisoners of conscience continue

Imam Qarayev's trial at Narimanov District Court began with a preliminary hearing under Judge Huseynov on 22 May. However, the Prosecutor told the hearing that day that preparation of the case had not been completed and asked for the hearing to be postponed. The second preliminary hearing was held on 27 May. The trial proper began on the morning of 8 June, with further hearings on 19 June and 3 and 6 July.

Imam Qarayev denies any wrongdoing. The prosecutor is demanding the maximum two-year prison sentence, his friends told Forum 18.

Mammadov's trial at Narimanov District Court began with a preliminary hearing under Judge Abdulov on 26 May. The trial proper began on the morning of 10 June (with a different Judge), with further hearings with Judge Abdulov on 19 and 24 June and 3 July. Mammadov denies any wrongdoing.

Prison transfers?

Following their convictions, prisoners of conscience Qafarov, Omarov and Qasimov are likely to have been transferred from the NSM Investigation Prison in Baku to Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District, their friends told Forum 18.

Prisoners of conscience Imam Qarayev and Mammadov remain in Baku's NSM Investigation Prison as their trials continue, the same prison where Jehovah's Witnesses prisoners of conscience Zakharchenko and Jabrayilova and Shia Muslim prisoner of conscience Jafarov are being held. The prison is located on the upper floor of the main NSM secret police building in Baku. Four more months of secret police detention.

On 9 July, Judge Elshad Shamayev of Baku's Sabail District Court granted the prosecutor's suit to extend by four months the pre-trial detention of 43-year-old Shia Muslim prisoner of conscience Jafarov. He can now be held at the NSM Investigation Prison until 11 November. "Jeyhun's lawyer Javad Javadov intends to appeal against this extension to Baku Appeal Court," his friends told Forum 18 the same day.

Prisoner of conscience Jafarov was arrested on 10 March to punish him for exercising his right to freedom of religion or belief by being a translator of Islamic works and public broadcasts. The NSM secret police is investigating him on charge of treason under Criminal Code Article 274. If tried and convicted, he faces imprisonment of between 12 years and life (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

The same Judge Shamayev ordered that prisoner of conscience Jafarov be held in four

months' pre-trial detention in March. Judge Shamayev also facilitated the government's pre-trial detention in 2014 and 2015 of other Muslim and Jehovah's Witness prisoners of conscience on grounds of religion or belief. He has refused to answer questions about his repeated jailings of prisoners of conscience (see F18News 9 April 2015 http://www.forum18.org/archive.php?article_id=2054).

Two more months of secret police detention

On 4 July, Baku's Sabail District Court granted the prosecutor's suit to extend by two months the NSM secret police pre-trial detention of the two female Jehovah's Witness prisoners of conscience, 55-year-old Zakharchenko and 38-year-old Jabrayilova, Jehovah's Witnesses told Forum 18 from Baku on 10 July. They can now be held at the NSM Investigation Prison until 17 September.

Prisoners of conscience Zakharchenko and Jabrayilova were arrested on 17 February to punish them for talking to residents near their homes about their faith in December 2014. They were ordered held in pre-trial detention for three months. The Judge noted that neither has previously been convicted, but held that their activity represented a "threat to the public" (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The investigation against both female prisoners of conscience continues under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The prisoners of conscience' appeal against their pre-trial detention was rejected on 26 February (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

Sabail District Court extended the two women's detention by a further two months in May. Defence attempts to have them transferred from prison to house arrest while the investigation continues have been rejected (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

As part of the investigation of the criminal case, the NSM secret police has summoned and interrogated at least 20 other Jehovah's Witnesses and searched at least 10 homes (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048). Additionally, NSM secret police officers, officials of the State Committee for Work with Religious Organisations, and the police searched the Kingdom Hall where the women worship.

Jehovah's Witnesses have expressed particular concern about Zakharchenko. "Doctors classify her as being 80 per cent disabled because of severe arthritis and a previous injury to her right leg," they note. In addition, they are worried about both women's emotional well-being after nearly five months' NSM secret police imprisonment.

Zakharchenko is a widow. Jabrayilova is the prime care-giver for her mother.

As with all the other NSM secret police prisoners of conscience, relatives are denied any meetings with Zakharchenko and Jabrayilova (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Pastoral visits by religious leaders have also been refused. Relatives are allowed to hand in parcels for them of clothes, medicine and soap only once a month. "In an effort to offer comfort, family members have tried to provide them with a Bible, but the NSM has refused permission," they lament.

Jehovah's Witnesses have raised the cases of the two women with the United Nations Office of the High Commissioner for Human Rights and other international bodies.

Red Cross

Jehovah's Witnesses have learnt that the International Committee of the Red Cross (ICRC) had enquired about Zakharchenko and Jabrayilova's health. They have been told that the NSM secret police told the ICRC that the women were well and that there was no cause for concern.

Asked by Forum 18 about any measures it has undertaken in relation to Zakharchenko, Jabrayilova and the other NSM secret police prisoners of conscience, the ICRC Delegation responded on 10 July: "The ICRC does not comment publicly on the conditions of detention and on the treatment afforded to detainees. The findings of the ICRC are confidential and shared only with the authorities in charge of the place of detention."

He was acting as a bookseller illegally

Forum 18 (27.05.2015) - On 14 July Azerbaijan's Supreme Court is due to hear a challenge to a fine of 18 months' average wages, for distributing religious literature which has not undergone the compulsory state censorship. "Kamran Abdiyev has no lawyer, and will be representing himself at the hearing," Judge Gulzar Rzayeva – who will be presiding over the appeal - told Forum 18 News Service from the Supreme Court on 25 May. Meanwhile, the criminal trials of four of the five imprisoned Sunni Muslims for similarly selling uncensored religious literature began at a court in the capital Baku from mid-May. All face up to two years' imprisonment.

The five Sunni Muslims are among eight prisoners of conscience being held at the National Security Ministry (NSM) secret police Investigation Prison in Baku to punish them for exercising the right to freedom of religion or belief. Two of the other prisoners of conscience are Jehovah's Witnesses women and the eighth prisoner is a Shia Muslim (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

State censorship of religious texts is strictly applied and the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). These texts are routinely confiscated by police (see eg. F18News 3 June 2014 http://www.forum18.org/archive.php?article_id=1964).

And in the latest extension of the powers of the State Committee for Work with Religious Organisations, anyone organising foreign travel for religious purposes, including pilgrimages abroad, now requires a licence from the State Committee (see below).

"Acting as a bookseller illegally"

In summer 2014, 244 Muslim books were confiscated from Abdiyev, who lives in Qaradag District of south-western Baku. "He was acting as a bookseller illegally," an official of the State Committee's "Expertise" Department told Forum 18 on 25 May. Among the tasks of this Department is state censorship. "He had no licence from the State Committee, no permission to sell religious literature – indeed, he hadn't made himself known to us. He was selling such literature clandestinely."

All 244 books were handed over to the State Committee for an "expert analysis". "The books were not designated for distribution in Azerbaijan," the official – who would not give his name – told Forum 18. "We found that they represented fundamentalist, politicised Islam and propagated inter-religious discord. By our criteria they are banned."

The official said many of the books were from Saudi Arabia, or were printed in Azerbaijan in the 1990s. "At that time many Wahhabis were here. Such people used to call for Shia Muslims to be killed." The term "Wahhabis" is often used by officials to describe people they do not like, such as Sunni Muslims protesting at state moves to close their mosques (see eg. F18News 28 May 2014 http://www.forum18.org/archive.php?article_id=1962).

Asked to name any of the titles confiscated from Abdiyev, the official refused, saying simply: "There were so many."

The official repeatedly claimed that the books confiscated from Abdiyev contained illegal material. But the official was unable to explain why Abdiyev had been punished for distributing uncensored religious books and not on charges for alleged "extremism".

"If censorship was abolished.."

The State Committee official readily acknowledged to Forum 18 that censorship of religious literature exists. "Azerbaijan defends its national interests," he insisted. "So we must have experts who can check religious literature. We wouldn't be working here if censorship was abolished."

Asked whether the late President Heidar Aliyev had been wrong to claim in 1998 that the country had abolished censorship, the official repeated his defence of the compulsory prior state censorship of all religious literature printed in or imported into Azerbaijan (see the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan http://nhc.no/filestore/Publikasjoner/Rapporter/2015/Rapport2_15_Aserbajdsjan_web.pdf).

Massive fine, first appeal fails

Following the State Committee "expert analysis", a case was instituted against Abdiyev under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats or up to two years' imprisonment.

Criminal Code Article 167-2 was among other many new criminal and administrative punishments for exercising freedom of religion or belief introduced in 2011 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

Abdiyev's trial finally began with a preliminary hearing at Baku's Qaradag District Court on 1 August 2014. At the final hearing on 9 September, Judge Rashad Mammadov found him guilty and fined him 6,000 Manats (now about 44,240 Norwegian Kroner, 5,250 Euros, or 5,710 US Dollars), according to court records. This represents 18 months' average wage, according to the State Statistics Committee.

Abdiyev appealed against the conviction and fine, but on 4 December 2014 Judge Abid Abdinbayov rejected his appeal at Baku Appeal Court, according to court records.

On 1 April 2015, Abdiyev appealed further to the Supreme Court, where the case was assigned to Judge Rzayeva. She told Forum 18 that he had lodged the case himself,

without the involvement of any lawyer. She said the court materials she has been given do not indicate if Abdiyev has yet paid the fine.

Judge Rzayeva declined to discuss the case more as it has not yet been heard. "The [14 July] court hearing will be open, so come along if you want to follow the case," she told Forum 18.

"We don't have a law on alternative service"

The same Judge Rzayeva at the Supreme Court had rejected the last appeal of Jehovah's Witness conscientious objector and former prisoner of conscience Kamran Mirzayev on 24 February (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). He is now intending to lodge an appeal to the European Court of Human Rights (ECtHR) in Strasbourg, where three other Azerbaijani Jehovah's Witness conscientious objectors have already appealed over their earlier imprisonment (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). The ECtHR has not made any admissibility decisions on the three cases.

Judge Rzayeva acknowledged to Forum 18 that she was aware of Azerbaijan's Council of Europe obligations to, by 2003:

- "adopt .. a law on alternative service in compliance with European standards";
- "pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions";
- and to introduce a law allowing "non-armed military service or alternative civilian service".

There are no signs that the government has any intention of keeping this promise (see the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan http://nhc.no/filestore/Publikasjoner/Rapporter/2015/Rapport2_15_Aserbajdsjan_web.pdf).

Asked why she had not upheld Mirzayev's right not to be punished for rejecting military service and asking to do an alternative civilian service, in line with Azerbaijan's Constitution, Judge Rzayeva replied: "We don't have a law on alternative service."

Current Jehovah's Witness conscientious objector Kamran Shikhaliyev has lodged an appeal with the Supreme Court in Baku against his one year sentence of detention in a military disciplinary unit. He has has been subjected to "physical abuse, verbal humiliation, and psychological pressure" but, Jehovah's Witnesses have told Forum 18, "he has not wavered in his conscientious religious position" (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

Five current prisoners of consciences' trials begin

Meanwhile, four of the five planned trials of a group of Sunni Muslims arrested in Baku in February have begun. All five prisoners of conscience – Imam Mubariz Qarayev, Habibulla Omarov, Salim Qasimov, Eyvaz Mammadov and Azad Qafarov – had run several shops selling books and other religious items in Baku's Narimanov District. All are also associated with the Sunni Lezgin Mosque which the government intends to forcibly close after the European Games. The five were arrested by the NSM secret police in February and have been held since then at the NSM Investigation Prison in Baku (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

All five prisoners of conscience are, like Abdiyev, facing trial for selling books illegally

under Criminal Code 167-2.1. The separate trials are taking place at Baku's Narimanov District Court.

- Qafarov's trial was the first to begin, with a preliminary hearing under Judge Turqay Huseynov on 18 May, according to court records. The trial proper begins on the morning of 29 May.

- Omarov's trial began next, with a preliminary hearing under Judge Rashad Abdulov on 19 May. The trial proper begins on the morning of 27 May.

- Imam Qarayev's trial began later, with a preliminary hearing under Judge Huseynov on 22 May. However, the Prosecutor told the hearing that day that preparation of the case had not been completed and asked for the hearing to be postponed. The hearing was rescheduled for the afternoon of 27 May.

- Mammadov's trial began with a preliminary hearing on 26 May under Judge Abdulov.

- No date appears to have been set for Qasimov's trial to begin.

Trial continues for five former prisoners of conscience

The criminal trial continues under Judge Akshin Afandiyev at Baku's Yasamal District Court of five other Sunni Muslims. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began with a preliminary hearing on 10 December 2014 and hearings have continued since then (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

The five Muslim former prisoners of conscience were with others arrested for participating in a meeting to discuss their faith which was raided by armed police and NSM secret police in April 2014. Officials confiscated religious books, money and mobile telephones. Almost all the 39 adults and two children present were taken to the police station for questioning. The five Muslims were transferred to house arrest in September 2014 after up to five months in pre-trial detention at the NSM secret police Investigation Prison in Baku (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

Hajiyev and Ismayil Mammadov are being tried under Criminal Code Article 167-2.2.1 and Article 168.2. Sabzaliyev is being tried under Criminal Code Article 168.2. Zakariyya Mammadov and Hasanov are being tried under Criminal Code Article 167-2.2.1 and Article 168.1. The Mammadovs are brothers and with Hajiyev and Hasanov face up to five years' imprisonment if convicted. Sabzaliyev faces up to three years' imprisonment (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Controls over foreign religious tours

Azerbaijan's Cabinet of Ministers has imposed a new requirement for organisers of religious tours abroad to gain a licence from the State Committee. The requirement was imposed in a 23 April amendment to a 7 November 2002 Cabinet of Ministers decree specifying activities that need a state licence in Azerbaijan. The amendment, signed by Prime Minister Artur Rasi-Zada, was published on 17 May 2015 on the website of the parliamentary newspaper "Azerbaycan".

A 24 September 2009 amendment to the same 2002 Decree had imposed the requirement that the State Committee approve religious educational institutions.

Other regulations already give the State Committee sweeping powers over other religious activity. Without its permission, religious communities who meet for worship can be punished. Religious literature must be subjected to its prior approval. Those wishing to sell religious literature similarly need a licence from the State Committee (see the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan http://nhc.no/filestore/Publikasjoner/Rapporter/2015/Rapport2_15_Aserbajdsjan_web.pdf).

No-one at the State Committee was prepared to discuss with Forum 18 why these new controls over foreign religious travel are needed and how they accord with Azerbaijan's international obligations to implement human rights, including freedom of movement.

Some of the other state-imposed restrictions on the exercise of freedom of religion or belief also restrict religious communities' contacts with fellow-believers abroad. Forum 18 also knows of several foreigners legally resident in Azerbaijan, who were forced to leave since the beginning of 2015 as officials objected to their active role in local religious communities.

Azerbaijan extends its unfounded detention of two women

JW.ORG (19.05.2015) - <http://www.jw.org/en/news/legal/by-region/azerbaijan/azerbaijan-arrest-detention-20150519/> - Azerbaijan's Ministry of National Security (MNS) has extended the pretrial detention of two of Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova. On February 17, 2015, the MNS pressed the criminal charge of distributing Bible literature without "appropriate permission" and jailed the women. On May 7, 2015, the Sabail District Court agreed to detain them until July 17. The court has dismissed motions to replace the detention with house arrest. Attorneys representing the Witnesses have filed appeals against the unjust imprisonment and have expressed concern for the mental, emotional, and physical health of the women. Authorities continue to investigate other Witnesses.

Prisoners of consciences' detention extended, criminal cases imminent

Forum 18 News Service (14.05.2015) - Two Jehovah's Witness prisoners of conscience in Azerbaijan, Valida Jabrayilova and Irina Zakharchenko, have had their NSM secret police pre-trial detention extended, Forum 18 News Service has learned. Five Sunni Muslim prisoners of conscience - Imam Mubariz Qarayev, Habibulla Omarov, Salim Qasimov, Eyvaz (last name unknown) and Azad Qafarov - also in NSM pre-trial detention are apparently about to face criminal trial. All seven prisoners of conscience were arrested for allegedly distributing religious literature that has not passed state censorship. The eighth prisoner of conscience in NSM pre-trial detention, Shia Muslim theologian Jeyhun Jafarov held for alleged treason, continues to be imprisoned. The trial of another group of five Sunni Muslims, who were in 2014 held in the NSM prison, continues in the capital Baku. Elsewhere, Shia Muslim prisoner of conscience Taleh Bagirov is challenging his transfer to Qobustan Prison where torture has been documented. All these prisoners of conscience are being denied visits by relatives and friends, as well as religious literature.

Azerbaijan's National Security Ministry (NSM) secret police Investigation Prison contains eight known prisoners of conscience held for exercising their freedom of religion or belief.

The cases of five of the eight in the NSM headquarters in the capital Baku – all Sunni Muslims – have been handed to court, apparently for imminent trial. Two more – both female Jehovah's Witnesses who have been held since February – have had their pre-trial detention extended by two months. The remaining prisoner of conscience held for exercising his freedom of religion or belief in the NSM prison – a Shia Muslim – is half-way through his initial four-month pre-trial detention, though Forum 18 News Service notes that this too could be extended.

The trial of another group of five Sunni Muslims, who were in 2014 held in the NSM prison, continues in Baku. And a Shia Muslim who opened a prayer room in his home has been freed after completing his six-month prison term (see below).

These human rights violations are part of a continuing state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect. 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, have been jailed. A Jehovah's Witness conscientious objector to military service who has been sentenced to one year in a disciplinary military unit has appealed to the Supreme Court (see below).

Eight NSM secret police prisoners of conscience

The two female Jehovah's Witness prisoners of conscience Valida Jabrayilova and Irina Zakharchenko, whose pre-trial detention was extended, are being investigated on criminal charges of being an "organised group" distributing religious literature which has not undergone the compulsory state censorship (see below).

The criminal cases against the five imprisoned Sunni Muslims – also accused of distributing religious literature which has not undergone the compulsory state censorship - were completed in late April and handed over to Baku's Narimanov District Court in early May, friends of the accused told Forum 18 from Baku. The five are likely to be tried individually, but the cases have not yet been assigned to judges and no trial dates appear to have been set. Telephones at the court went unanswered on 13 May (see below).

State censorship of religious texts is strictly applied and the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature. These texts are routinely confiscated by police.

In addition to the two Jehovah's Witnesses and the five Sunni Muslims, the NSM secret police Investigation Prison in Baku also holds Shia Muslim theologian and translator Jeyhun Jafarov. His lawyer is preparing to challenge his imprisonment as the criminal investigation against him continues (see below).

The officials who answered the phone at the NSM secret police Investigation Prison on 13 May refused to comment on the situation of the eight known prisoners of conscience held in NSM detention for exercising their freedom of religion or belief. They asked Forum 18 to call back the following day. Called on 14 May, the official who answered the phone said all enquiries must be given in writing.

The NSM secret police Investigation Prison in Baku – where all eight of these prisoners of conscience are being held – is on the upper floor of the main NSM building in Baku.

NSM Investigation Prison conditions

No relatives, friends or fellow-believers are allowed into the NSM secret police Investigation Prison for visits to the prisoners of conscience since their arrests, friends of

the two Jehovah's Witness women, the five Sunni Muslims and Shia Muslim Jafarov told Forum 18. Jafarov is being held in a two-person cell in the Investigation Prison. His wife and two adult children (both students) are not able to visit him. "Only his lawyer is allowed in to see him", family members told Forum 18.

Fellow Jehovah's Witnesses remain highly concerned about Jabrayilova and Zakharchenko. "We think that physically they are well, but are worried about their emotional state", Jehovah's Witnesses told Forum 18. Relatives brought a Bible for each of them, but prison officials refused to accept them. The women are allowed no Jehovah's Witness literature. Their lawyers said they were unable to help resolve this.

The eight prisoners of conscience have not been allowed literature since their arrests, apart from Jafarov being allowed an Azeri-language translation of the Koran. Family members sent Jafarov a copy of the Koran in Arabic, but prison officials refused to give it to him. "They told us he had no need of it", family members told Forum 18. In Islam the Koran is only permitted to be recited during worship in Arabic, making the refusal to give Jafarov an Arabic-text Koran very harsh. The family also sent other religious books, but those with any hand-written annotations were rejected.

Jafarov is also not allowed to have a watch with him to be able to know when it is time for prayer, his lawyer Javad Javadov told Forum 18.

Muslim prisoners of conscience Eldeniz Hajiyev and Ismayil Mammadov, now on trial with others in Baku (see below), were not allowed access to the Koran or any other books while they were in 2014 held in the NSM prison.

Violence has been used by the NSM secret police and other officials against those it questions.

The NSM Investigation Prison in Baku was one of a number of prisons the United Nations (UN) Subcommittee on Prevention of Torture (SPT) visited in late April 2015, after a failed September 2014 visit which encountered "obstructions" from the authorities. Aisha Shujune Muhammad, head of the SPT delegation, noted on 24 April at the end of the visit that Azerbaijan "has yet to guarantee all fundamental legal and procedural safeguards to persons deprived of their liberty, including access to a lawyer, a medical doctor, and to contact his or her family".

The UN said it is encouraging Azerbaijan to allow its confidential report on the April visit to be made public. The NSM Investigation Prison was also among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit. The previous CPT report to be published in 2009 did not include the NSM prison but noted instances of torture and intimidation of prisoners held elsewhere for speaking to the CPT (see below).

Imprisonment extended for two months

In separate hearings on 7 May 2015, Judge Elshad Shamayev of Baku's Sabail District Court extended for two months the pre-trial detention at the NSM Investigation Prison of the two Jehovah's Witness prisoners of conscience Jabrayilova and Zakharchenko, an assistant to the judge confirmed to Forum 18 from the court on 13 May. Both were arrested on 17 February, initially for three months (see F18News http://www.forum18.org/archive.php?article_id=2041). The assistant, who would not give his name, would not discuss why their pre-trial detention was extended or any other aspect of the cases.

Judge Shamayev has been instrumental in facilitating the government's pre-trial detention in 2014 and 2015 of Muslim and Jehovah's Witness prisoners of conscience on grounds of religion or belief. He has refused to answer questions about his repeated role in such imprisonments.

The request to extend the two women's pre-trial imprisonment until 17 July came from NSM Chief Investigator Matlab Mehdiyev, who is leading the investigation against both, Jehovah's Witnesses told Forum 18. He summoned many other Jehovah's Witnesses for questioning in the immediate aftermath of the two women's arrest. Two community leaders were again summoned for questioning in early May.

Jabayilova, who is 38, and fellow Jehovah's Witness Irina Zakharchenko, who is 54, were arrested on 17 February and ordered held in pre-trial detention for three months while the investigation continues under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. Their appeal against their pre-trial detention was rejected on 26 February.

On 4 April Judge Shamayev rejected a request to transfer Jabrayilova from pre-trial detention to house arrest.

Trials imminent?

The most prominent of the five NSM Sunni Muslim prisoners of conscience is 40-year-old Mubariz Qarayev, imam of Baku's Lezgin Mosque. The criminal case against him was completed on 27 April and handed to Narimanov District Court in early May, his friends told Forum 18 from Baku on 6 May.

The criminal cases against the other four - Habibulla Omarov, Salim Qasimov, Eyvaz (last name unknown) and Azad Qafarov – were completed about the same time and handed to the same Court.

All five are facing trial under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' imprisonment.

The five men had run several shops selling books and other religious items in Baku's Narimanov District. They were arrested in late February. All five were ordered held in pre-trial detention for three months while the investigation was conducted.

The Lezgin Mosque in Baku's Old City, where Qarayev was imam until his arrest, is one of many Sunni Muslim mosques the government seeks to close.

Officials had told the Lezgin Mosque community on 17 April that it had to close ahead of the European Games, giving them three days to leave .

However, community members told Forum 18 that officials have now told them the Mosque can continue to operate until the European Games finish in June. However, Old City Reserve deputy head Elchin Yusupov told them in mid-April that as soon as the Games are over the Mosque will be forcibly closed for repairs, which community members insist are unnecessary. Mosque members complain not only of the prolonged

insecurity around whether the authorities will stop them using their mosque building, but that officials will not put any of their demands in writing.

Challenge to pre-trial imprisonment

Javadov, the lawyer for Shia theologian Jafarov, is preparing to challenge through the courts his continued imprisonment in the NSM secret police Investigation Prison. "There is no reason to keep Jeyhun in prison and we want him out", family members told Forum 18 from Baku on 13 May. "If he is at home as the investigation continues he can always go in when they need to question him."

Jafarov – who will be 43 on 7 June - was arrested on 10 March and was ordered by Judge Shafayev to be held in four-month detention while under investigation on treason charges. The charges carry a possible 10-year prison term.

"Jeyhun didn't commit any offence", family members insisted to Forum 18. "There is no proof and he rejects the accusations. The charges have been brought because of his religious activity – there is no other explanation."

Continued detention of prisoner of conscience illegal

Meanwhile, another prisoner of conscience held for exercising his freedom of religion or belief, 30-year-old Shia preacher Imam Taleh Bagirov (also known as Bagirzade), is still trying to challenge his transfer to the harsher Qobustan [Gobustan] Prison in December 2014. A court ruled in November 2014 that he should be transferred to harsher conditions in isolation for the rest of his term.

Imam Bagirov was given a two-year strict regime prison sentence in November 2013 on drugs charges his supporters insist were fabricated to punish him for his religious and political activity. His driver Anar Melikov was also jailed for 19-months in August 2013. At a further trial in August 2014, a Baku court sentenced Bagirov to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell.

Javadov appealed to Baku Appeal Court on Bagirov's behalf against the transfer to Qobustan Prison. However, in mid-April Judge Aflatun Qasimov suspended consideration of the appeal, according to the court website. The Judge rejected Javadov's motion to have a full court re-examination of the evidence allegedly justifying the transfer.

The appeal has now been transferred to the Supreme Court, Javadov told Forum 18. However, no date has yet been set for a hearing.

"All this means that the court decision to transfer Taleh to Qobustan Prison has not entered into legal force", Javadov told Forum 18. "So their continued detention of him there is illegal. He should be returned to the previous prison."

No visits, no literature, handcuffed whenever outside cell

Bagirov's wife and their two children are unable to visit him in prison. As his lawyer, Javadov is the only person allowed to visit, most recently on 12 May. "Taleh is kept in isolation. Every time he leaves his cell he is put in handcuffs", Javadov stated. "This is allowed only for extremely dangerous prisoners."

Bagirov is allowed no religious literature, not even the Koran, Javadov added. Nor is he allowed any newspapers or other literature or access to television. "He has no meetings with relatives, nor any telephone calls."

Torture and prisoner intimidation

After a 2008 visit the Council of Europe's CPT stated that prisoners in Qobustan Prison were subjected to "deliberate physical ill-treatment and excessive use of force by prison officers. The forms of ill-treatment alleged consisted mainly of punches, kicks and blows with truncheons, as well as sexual abuse using a truncheon. The ill-treatment had reportedly been inflicted in the establishment's 'club' (i.e. association room), disciplinary unit and the exercise yards adjacent to it. In addition, a number of prisoners complained that certain prison officers had subjected them to verbal abuse."

The CPT also noted that "the delegation witnessed an attempt by a prison officer to threaten a prisoner for having spoken to the delegation. It also became apparent during the visit that certain prisoners detained at Gobustan Prison had been warned against making complaints to the delegation".

Prison term completed

Sunni Muslim prisoner of conscience Zohrab Shikhaliyev was freed from prison on 13 May at the end of his sentence, his friends told Forum 18 from Baku on 14 May. This was six months to the day since his arrest. Shikhaliyev had served his sentence in Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District.

The 36-year-old Shikhaliyev was arrested in November 2014. His friends insisted that this was to punish him for maintaining an open Sunni Muslim prayer room in his home in the town of Sumgait [Sumqayit] north of Baku. Sumgait has no other Sunni Muslim place of worship and the government consistently closes Sunni mosques.

At the end of Shikhaliyev's trial in February 2015, he was found guilty of keeping illegal weapons and ammunition in his home under Criminal Code Article 228.1. This carries a punishment for having illegal weapons of imprisonment of up to three years. Shikhaliyev was given a six-month term of imprisonment.

Trial continues for former secret police prisoners

Also held for several months in 2014 in the Baku NSM secret police Investigation Prison were three of five other Sunni Muslims now on trial in Baku. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began under Judge Akshin Afandiyev at Baku's Yasamal District Court with a preliminary hearing on 10 December 2014 and hearings have continued since then.

The five Muslims were with others arrested for participating in a meeting to discuss their faith which was raided by armed police and NSM secret police in April 2014. They were transferred to house arrest in September 2014 after up to five months in pre-trial detention at the NSM secret police Investigation Prison in Baku.

The most recent hearing in the case was held on 4 May, with the next due on 18 May, the lawyer for four of the five men Asabali Mustafayev told Forum 18 from Baku on 13 May. He expects the trial to continue into June.

As long as the trial continues, the five men are living under restrictions. This includes a ban on leaving Baku.

Conscientious objector's Supreme Court appeal

On 15 April, Jehovah's Witness conscientious objector Kamran Shikhaliyev (no relation of Zohrab Skhikhaliyev) lodged an appeal with the Supreme Court in Baku against his one

year sentence of detention in a military disciplinary unit, Jehovah's Witnesses told Forum 18. An official of the Supreme Court Military Collegium confirmed receipt of the appeal to Forum 18 on 13 May. She said the Supreme Court is now seeking the case file from Shirvan Appeal Court and will assign the case once the documentation arrives.

Kamran Shikhaliyev was forcibly conscripted in Baku in October 2013, just after his 18th birthday, and was then transferred to a military unit. He was maltreated following his enforced conscription. In April 2014 Jalilabad Military Court sentenced him under Criminal Code Article 335.1 ("Evasion of military service by causing harm to health or in another way") to one year in a military disciplinary unit. In July 2014 Shirvan Appeal Court rejected his appeal against the conviction. He was finally transferred to a military disciplinary unit in Salyan in December 2014, though it remains unclear if and when his one year sentence has begun.

Shikhaliyev has been subjected to "physical abuse, verbal humiliation, and psychological pressure". But, Jehovah's Witnesses have told Forum 18, "he has not wavered in his conscientious religious position".

Earlier conscientious objector Supreme Court appeal failure

An earlier Jehovah's Witness conscientious objector, Kamran Mirzayev, failed in his appeal to the Supreme Court to have his sentence for refusing compulsory military service on grounds of conscience overturned. A hearing on 24 February under Presiding Judge Gulzar Rzayeva rejected his appeal, according to the Supreme Court website.

Mirzayev was convicted at Goychay District Court in March 2013 under Criminal Code Article 321.1 and sentenced to nine months' imprisonment. Sheki Appeal Court rejected his first appeal in May 2013. He was amnestied on 20 June 2013 after three months' imprisonment.

Determined to clear his name, Mirzayev appealed against his conviction to the Supreme Court in November 2014, arguing that Azerbaijan's Constitution upholds the right to perform an alternative to the compulsory military service. Azerbaijan has been condemned by Council of Europe bodies for its failure to honour its promise to introduce such an alternative service by 2004.

Criminal Code Article 321.1 states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

European Court of Human Rights appeals

Now his Supreme Court appeal has failed, Mirzayev intends to appeal to the European Court of Human Rights (ECtHR) in Strasbourg, Jehovah's Witnesses told Forum 18. Three other Azerbaijani Jehovah's Witness conscientious objectors have already appealed to the ECtHR over their earlier imprisonment.

The three are:

Mushfiq Mammedov and Samir Huseynov v. Azerbaijan (Application No. 14604/08); and Farid Mammedov v. Azerbaijan (Application No. 45823/11) (see F18News 10 February 2014 http://www.forum18.org/archive.php?article_id=1926).

No admissibility decisions have been made by the ECtHR on the cases.

Baku's pre-Olympic "religious cleansing"?

Forum18 (24.04.2015) - Azerbaijan's senior government religious affairs official is demanding that a Sunni Mosque in Baku's historic Old City close down before the European Olympic Games, which begin on 12 June. Mubariz Qurbanli, head of the State Committee for Work with Religious Organisations, told members of the Lezgin Mosque verbally that the authorities are unhappy with the numbers of worshippers who attend prayers. He added that the sight of bearded men in such a central Baku location is "not desirable" as it would frighten participants of the European Games, mosque members told Forum 18 News Service.

The Lezgin Mosque (also known as the Ashur Mosque) in Baku's Old City is one of many Sunni Muslim mosques the government seeks to close (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

The Mosque was put under a police blockade during Friday prayers each week in May 2014, restricting the number of worshippers who could enter. The blockade lasted several months. One police officer also tried to pressure the community to close the Mosque each evening at 8 pm.

In July 2014, officials of Baku's Icherisheher (Old City) State Historical-Architectural Reserve told Mosque leaders verbally without prior warning that it would immediately have to close for renovation. However, the Reserve did not go ahead with the closure and renovation (see F18News 14 August 2014 http://www.forum18.org/archive.php?article_id=1985).

The Mosque's imam, Mubariz Qarayev, was arrested in February 2015. He is one of five known Sunni Muslim prisoners of conscience in pre-trial detention at the National Security Ministry (NSM) secret police facing criminal prosecution for selling uncensored religious literature (see below).

In addition, several members of the Mosque have been sacked from their jobs in 2015.

"No knowledge", no answers

Forum 18 received no response by the end of the working day on 21 April to its written questions, submitted to the State Committee late on 17 April, as to why Qurbanli is seeking to close the Lezgin Mosque. The woman who answered the phone of Yaquut Aliyeva, the State Committee spokesperson, put the phone down as soon as Forum 18 introduced itself on 21 April. Subsequent calls were routed to a fax machine.

An aide to Kamal Abdullayev, the Presidential advisor on inter-ethnic, multicultural and religious affairs, told Forum 18 on 18 April that he is out of Azerbaijan on holiday until early May.

Narmin Azadgil, spokesperson for the Old City Reserve, did not respond by the end of the working day on 21 April to Forum 18's written questions sent late on 17 April. Her colleague Sona Bayramova failed to respond to similar questions sent on 21 April. The man who answered the phone of Old City Reserve deputy head Elchin Yusupov on 18 April told Forum 18 it was a wrong number. On 21 April he asked Forum 18 to call back the following day.

An official of Azerbaijan's National Olympic Committee, who gave her name only as Halida, said that she had "no knowledge" of the demand to close the Lezgin Mosque. "Of

course it's not a demand of our organisation," she told Forum 18 on 21 April. "I don't think it's true." Similarly, a spokesperson for the Baku 2015 European Games Organising Committee told Forum 18 the same day that "Baku 2015 has absolutely no knowledge of any such action".

The International Olympic Committee in the Swiss city of Lausanne referred Forum 18 to the European Olympics Committees (EOC) in the Italian capital Rome, which is sponsoring the Baku Games. However, the EOC had not responded by the end of the working day in Rome on 21 April.

"If you don't go within three days we'll remove you by other means"

Qurbanli of the State Committee visited the Lezgin Mosque late on 17 April, accompanied by Samir Nuriyev, head of the Old City Reserve, his deputy Yusupov, and several other officials, Mosque members told Forum 18 the same day. The officials arrived just before 5.30 pm, as afternoon prayers were underway.

Once prayers were over, Qurbanli demanded that the community vacate the building within three days as, he claimed, repairs on the mosque needed to begin. He promised that the community would be able to return to the building once repairs were complete. Asked where mosque members were expected to take the mosque property and continue their prayers while the Lezgin Mosque was closed, Qurbanli reportedly told them: "We won't give you anywhere. Go to other mosques."

Qurbanli connected the demand to vacate the building to the European Games. "We want fewer believers," mosque members quoted him to Forum 18 as telling them. "If you don't go within three days we'll remove you by other means."

Faiq Mustafa, the chair of the community who was present, then asked Qurbanli for a copy of his demand in writing. However, Qurbanli refused. He then invited mosque representatives to a meeting at his office the following day, a Saturday.

"They want the Mosque closed for the European Olympics"

At the Saturday meeting at the State Committee, Mustafa and another Mosque member again met Qurbanli, who was accompanied by his assistant, Amil Javadov, and another State Committee official. Mosque members told Forum 18 this was a "better conversation". They say this time Qurbanli did not repeat the demand of the previous day that the community vacate the Mosque within three days.

However, Mosque members pointed to Qurbanli's continuing "absurd" demands. His first option was that the Mosque would close immediately for repairs. "We rejected this, as we fear our Mosque would never reopen," they told Forum 18. His second option was for the Mosque to close for the duration of the European Games, which last from 12 to 28 June. "We don't want that either," Mosque members added.

"Qurbanli openly stated that they want the Mosque to be closed for the European Olympics," Mosque members told Forum 18. "He didn't want people to be at our Mosque during it, claiming that the sight of bearded men will frighten Europeans. They consider it undesirable."

Mosque chair Mustafa then reluctantly offered a compromise. The Mosque would hold the first prayers at about 5 am and the last prayers at about 11 pm each day during the Games, and forego all other prayers for that period. "State Committee officials responded that they could not themselves decide – the decision will be taken elsewhere," Mosque members told Forum 18.

Although they welcomed the withdrawal of the demand to vacate the Mosque immediately and the fact that other proposals "are now on the agenda", Mosque members remain concerned about what could be the loss of their place of worship. "The issue was left to a further meeting." They have received no document about the State Committee's demands.

Complaints over too many worshippers and beards

During the meeting, Qurbanli also told Mosque representatives of his concern over the numbers of worshippers at the Lezgin Mosque. "They're mainly concerned about how many people are in the Mosque. Qurbanli demanded that no more than 50 worshippers should be in the Mosque," Mustafa told Forum 18 after the meeting. "I told him we can't ban people from coming in for prayers. He responded that you have to control this."

Qurbanli also complained that many Mosque attendees wear beards. "He asked that men up to the age of 60 or so should not have beards," Mosque members told Forum 18.

Azerbaijani officials have often demonstrated concern about men with beards (see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/archive.php?article_id=1690).

Muslim men in various parts of the country have repeatedly complained that police have forcibly shaved off their beards, as happened in Zakatala in early 2014 and Sabirabad later that year. After the Sabirabad incident, even the head of the state-backed Caucasian Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade, condemned "the very serious mistake", adding that the person responsible "should be punished for their arbitrary action", according to July 2014 press reports.

After police raided a Sunni Muslim prayer room **in a private home in Sumgait in** November 2014 (for which the owner Zohrab Shikhaliyev was imprisoned), officers similarly demanded that the men they detained shave off their beards. The men refused to do so (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

State Committee officials told the Lezgin Mosque representatives that the community would get re-registration (which it has never had since the State Committee was established in 2001) if it agrees to "work closely" with it. This would entail limiting the number of attendees and making sure that young male attendees do not wear beards.

Criminal charges amended

Lezgin Mosque Imam Qarayev, who is 40, and three other Sunni Muslims – Habibulla Omarov, Salim Qasimov and Eyvaz (last name unknown) - were arrested on 24 February. Another Sunni Muslim Azad Gafarov was arrested on 26 February. They were accused of running shops in Baku's Narimanov District selling uncensored religious books and other items. All four prisoners of conscience were ordered held in pre-trial detention for three months while the criminal investigation continues (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

Imam Qarayev, Qasimov and Eyvaz are being investigated under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' **imprisonment**.

Initially the other two, Omarov and Gafarov, were being investigated under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. NSM Investigator Samir Aliyev is leading the case against the two.

However, the criminal charges against Omarov and Gafarov have now been amended to the same Criminal Code Article 167-2.1 the other three imprisoned Sunni prisoners of conscience are facing. This carries lesser penalties than the original accusation, their friends told Forum 18 from Baku on 18 April.

The men are expected to be eventually tried individually at Baku's Narimanov District Court, as their shops are (or were) located in that District, their friends told Forum 18.

Eight secret police prisoners of conscience

The five Sunni Muslims are among eight known religious prisoners of conscience currently being held at the NSM secret police Investigation Prison in Baku. The other known prisoners are two female Jehovah's Witnesses arrested on 17 February – Valida Jabrayilova and Irina Zakharchenko – and Shia Muslim theologian and translator Jeyhun Jafarov, arrested on 10 March (see F18News 9 April 2015 http://www.forum18.org/archive.php?article_id=2054).

Appeal against harsh prison transfer postponed

Meanwhile, another imprisoned Muslim prisoner of conscience, Shia preacher Taleh Bagirov (also known as Bagirzade), has failed in his challenge to the decision to transfer him in December 2014 to a harsher prison.

Bagirov, who is 30, was arrested in May 2013. He was given a two-year strict regime prison sentence in November 2013 on charges his supporters insist were fabricated. At a further trial in August 2014, a Baku court sentenced him to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell. He then spent five weeks in the punishment cells (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

However on 28 November 2014, Baku's Qaradag District Court ordered Bagirov's transfer to a harsher prison regime. In December 2014, even before the decision had come into force, Bagirov was transferred from Labour Camp No. 12 in the village of Puta – an ordinary regime camp. He was sent instead to the harsher Qobustan Prison, along the coast to the south-west of Baku, where prisoners are held in isolation, his lawyer Javad Javadov complained to Caucasian Knot news website on 11 April 2015.

Javadov appealed on Bagirov's behalf to Baku Appeal Court against the transfer to a harsher prison. However, after hearings on 10 and 17 April, Judge Aflatun Qasimov postponed consideration of the appeal to an unspecified date, according to the court website. The Judge rejected Javadov's motion to have a full court re-examination of the evidence allegedly justifying the **transfer, Caucasian Knot noted**.

"Illegal" mosque uncovered

Also in Qobustan, officials of the State Committee and the 11th Police Station of Qaradag District raided what they described as an "illegal" mosque in mid-April, the Qafqazinfo news agency noted on 21 April. The Ashiq Rza Mosque had been founded and led by a 25-year-old local resident Asif Narimanov. An investigation against him continues. If

brought to court, he could face a large fine to punish him for exercising his right to freedom of religion or belief.

Transfer from detention for prisoners of conscience rejected

Forum 18 News Service (09.04.2015)

http://www.forum18.org/archive.php?article_id=2054 -A request by a Jehovah's Witness prisoner of conscience, Valida Jabrayilova, to be transferred from pre-trial detention in the NSM secret police Investigation Prison to house arrest was refused on 4 April. Asked why she is detained and could face a five-year prison term for offering uncensored religious literature, Judge Elshad Shamayev replied "it's in the Criminal Code" to Forum 18 News Service. He refused to say why the government sees Jabrayilova – and seven other Muslim and Jehovah's Witness prisoners of conscience awaiting trial for exercising their freedom of religion or belief – as such a danger to the state that they must be detained by the NSM secret police. Asked why he also ordered Muslim prisoners of conscience to be held in pre-trial detention by the NSM, Judge Shamayev responded: "We're not obliged to account for our decisions". People continue to be prosecuted and punished for exercising freedom of religion or belief, for example in February for discussing their faith with others in public.

A judge in Azerbaijan's capital Baku on 4 April rejected a request to transfer Jehovah's Witness prisoner of conscience Valida Jabrayilova from pre-trial detention in the National Security Ministry (NSM) secret police Investigation Prison to house arrest. "Look at what Criminal Code she is being investigated under," Judge Elshad Shamayev of Baku's Sabail District Court insisted to Forum 18 News Service from Baku on 8 April. Asked why she is imprisoned and could face a five-year prison term simply for offering uncensored religious literature, he responded: "It's in the Criminal Code."

Jabrayilova's lawyer lodged the suit to have her transferred to pre-trial detention on 1 April, Jehovah's Witnesses told Forum 18. Following the rejection of the suit at Sabail District Court, the lawyer will appeal further to Baku Appeal Court.

Judge Shamayev refused to say why the government sees Jabrayilova – and seven other Muslim and Jehovah's Witness prisoners of conscience awaiting trial for exercising their freedom of religion or belief – as such a danger to the state that they have to be imprisoned in the NSM secret police Investigation Prison.

"We're not obliged to account for our decisions"

The same Judge Shamayev also ordered that at least three Muslims be held in pre-trial detention in the NSM Investigation Prison in Baku. In April 2014, he ordered that prisoners of conscience Eldeniz Hajiyev and Ismayil Mammadov be held in pre-trial detention. He also took the decision in September 2014 that they and another NSM Investigation Prison prisoner of conscience Revan Sabzaliyev be transferred to house arrest. The three are currently under restrictions at home as their criminal trial continues.

In March 2015, Judge Shamayev ordered that Shia Muslim theologian and translator prisoner of conscience Jeyhun Jafarov be held in pre-trial detention in the NSM secret police Investigation Prison in Baku for four months. He is being investigated for alleged treason.

Asked why he ordered these Muslim prisoners of conscience too to be held in pre-trial detention at the NSM secret police Investigation Prison, Judge Shamayev responded: "We're not obliged to account for our decisions. Look at the written decisions." Asked

again about the Muslims he had imprisoned, he replied: "That's not a journalistic question" and put the phone down.

In October 2014, four Jehovah's Witnesses were prisoners of conscience for up to 20 days for failing to pay earlier fines imposed to punish them for exercising the right to freedom of religion or belief (see below).

Eight NSM secret police prisoners of conscience

Jabayilova, who is 38, and fellow Jehovah's Witness Irina Zakharchenko, who is 54, were arrested on 17 February and ordered held in pre-trial detention for three months while the investigation continues under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The case is being led by NSM Chief Investigator Matlab Mehdiyev. Their appeal against their pre-trial detention was rejected on 26 February.

Imam Mubariz Qarayev of Baku's Lezgin Mosque, who is 40, and three other Sunni Muslims – Habibulla Omarov, Salim Qasimov and Eyvaz (last name unknown) - were arrested on 24 February. The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close. Another Sunni Muslim Azad Gafarov was arrested on 26 February. All four prisoners of conscience were ordered held in pre-trial detention for three months while the investigation continues.

Omarov and Gafarov are, like the two Jehovah's Witness women prisoners of conscience, being investigated under Criminal Code Article 167-2.2.1. NSM Investigator Samir Aliyev is leading the case against the two.

Imam Qarayev, Qasimov and Eyvaz are being investigated under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' imprisonment.

Shia Muslim theologian and translator Jafarov, who is 42, was arrested on 10 March and ordered held in pre-trial detention for four months while the investigation continues under Criminal Code Article 274 ("treason"). This carries a maximum life sentence (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

The arrests appear to be part of a continuing wider state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect (see eg. <http://www.nhc.no/en/countries/europe/azerbaijan/>). 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, including a conscientious objector to military service (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

"No meetings, no phone calls, only visits from the lawyer"

No relatives, friends or fellow-believers are allowed into the NSM secret police Investigation Prison for visits to the prisoners of conscience, friends of the two Jehovah's Witness women, the five Sunni Muslims and Shia Muslim Jafarov separately complained to Forum 18. "No meetings, no phone calls, only visits from the lawyer," a friend of one of the prisoners told Forum 18.

"Jeyhun Jafarov has been given a Koran, but they won't allow him any other religious literature," a friend told Forum 18 from Baku on 9 April. Forum 18 has been unable to find out if any of the other prisoners are allowed access to religious literature.

"The lawyers say that Valida Jabrayilova and Irina Zakharchenko are being treated reasonably well," Jehovah's Witnesses told Forum 18. They note, however, that prison is prison and that they themselves are unable to verify these assessments.

"It is difficult to gain release in such cases through the courts," friends of Imam Qarayev and the other detained Sunni Muslims told Forum 18.

Three Muslim prisoners of conscience were held for several months in 2014 in the same NSM Investigation Prison. Along with two other Muslims, they are all now on trial in Baku for meeting together to discuss their faith and texts by Islamic theologian Said Nursi. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began under Judge Akshin Afandiyev at Baku's Yasamal District Court with a preliminary hearing on 10 December 2014 and hearings have continued since then (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

Prison conditions

The officer who answered the main number at the NSM secret police Investigation Prison on 9 April declined to answer any questions about the prisoners of conscience's detention conditions or to put Forum 18 through to anyone who would be able to answer.

Elchin Behbudov of the Azerbaijan Committee Against Torture – who is able to visit the NSM Investigation Prison once a month - says he has met all these prisoners with the exception of Zakharchenko. "They had no complaints," he told Forum 18 on 9 April. "Conditions there are better than in the Justice Ministry Investigation Prison. They don't torture anyone, the food is OK and there is a big library." He added that the Koran is available to prisoners who want to read it. "I saw it there in the library."

Muslim prisoners of conscience Hajiyev and Mammadov were not allowed access to the Koran or any other books while they were in 2014 held in the NSM Investigation Prison (see F18News 8 May 2014 http://www.forum18.org/archive.php?article_id=1956).

Behbudov says the Investigation Prison holds fewer than 100 prisoners at any one time. He says prisoners are generally kept in cells designed for two or four prisoners, though at times more are held in such cells. "Most of the women held there are facing drugs-related charges," he told Forum 18.

The NSM Investigation Prison was among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). It has still not been published.

Violence has been used by the NSM secret police and other officials against those it questions (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Other freedom of religion or belief prisoners of conscience

The largest single group of freedom of religion or belief prisoners of conscience consists of those imprisoned to punish them for protesting on the streets of Baku in October 2012 against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. Ten are still imprisoned (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Among other prisoners of conscience jailed for exercising their freedom of religion or belief is Sunni Muslim Zohrab Shikhaliyev, who is 36. On 18 February, a court in the town of Sumgait [Sumqayit] north of Baku handed down a six-month prison term for maintaining an open prayer room in his home. As he had already been held for more than three months in pre-trial detention, he had nearly three months left to serve (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

Islamic theologian and preacher Taleh Bagirov (also known as Bagirzade), who is 30, was arrested in May 2013. He was given a two-year strict regime prison sentence in November 2013 on charges his supporters insist were fabricated. At a further trial in August 2014, a Baku court sentenced prisoner of conscience Bagirov to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Arrested with Bagirov in May 2013 was his driver Anar Melikov. He was given a 19-month prison term in August 2013, similarly on charges their supporters insist were fabricated (see F18News 7 November 2013 http://www.forum18.org/archive.php?article_id=1894). Prisoner of conscience Melikov completed his jail term in February 2015 (pre-trial detention counts towards the term of imprisonment) and was freed, his lawyer Javad Javadov told Forum 18 from Baku.

Jehovah's Witness conscientious objector Kamran Shikhaliyev (no relation of Zohrab Shikhaliyev) was forcibly conscripted in Baku in October 2013 just days after his 18th birthday and then was transferred to a military unit. He was maltreated following his enforced conscription. In April 2014 Jalilabad Military Court sentenced him under Criminal Code Article 335.1 ("Evasion of military service by causing harm to health or in another way") to one year in a military disciplinary unit. In July 2014 he lost his appeal against the conviction. He was finally transferred to a military disciplinary unit further in Salyan in December 2014, though it remains unclear if and when his one year sentence has begun (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Before its accession to the Council of Europe in January 2001, Azerbaijan promised "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative civilian service". There is no sign that the government has any intention of keeping this promise (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

"Guilty simply for talking to people about the Bible"

People continue to be prosecuted and punished for exercising their right to freedom of religion or belief.

On 2 February, Judge Ahmad Sariyev of Barda District Court found two Jehovah's Witnesses from the central town of Barda, Rza Babayev and Ilham Hasanov, guilty of violating Administrative Code Article 299.0.2. This punishes "violating legislation on

holding religious meetings, marches, and other religious ceremonies" (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

The case was brought to punish the two men for talking to others about their faith on the streets of Barda, according to case materials. Barda's Deputy Police Chief and other officers, who had seen them from their car, got out and detained the two men at about 12 noon on 19 December 2014. They then drew up a record of an offence under Article 299.0.2.

However, in his verdicts on Babayev and Hasanov, Judge Sariyev confined his punishment to official warnings instead of the large fines he could have imposed.

Babayev and Hasanov challenged their convictions in Gyanja Appeal Court. Both men cited provisions guaranteeing freedom to share one's beliefs from: Azerbaijan's Constitution; the Universal Declaration of Human Rights; and the European Convention on Human Rights and Fundamental Freedoms. They also cited condemnation of Azerbaijan's restrictions from reports of the European Commission against Racism and Intolerance, as well as case law from the European Court of Human Rights in Strasbourg.

However, at separate hearings on 12 March, Judge Fikret Aliyev rejected Babayev's appeal and Judge Elchin Khasmammadov rejected Hasanov's appeal, according to court records.

"Babayev and Hasanov wanted to challenge the decisions because they are considered guilty simply for talking to people about the Bible," one Jehovah's Witness explained to Forum 18.

The Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). These texts are routinely confiscated by police (see eg. F18News 3 June 2014 http://www.forum18.org/archive.php?article_id=1964).

Captain Ahad Mammadov, head of Barda Police, repeatedly put the phone down when Forum 18 asked him on 9 April why individuals are punished for speaking to others on the street about their faith.

October 2014 short-term prisoners of conscience

Numerous Jehovah's Witnesses, Muslims and Protestants have often been punished with administrative fines for exercising their right to freedom of religion or belief, often after police raids. Such fines can be imposed for distributing religious literature which has not undergone compulsory state censorship in locations where the state does not permit religious literature to be distributed. Fines for exercising freedom of religion or belief are also imposed for "offences" including meeting for worship without state permission and "religious activity not within a religious association's registered address" (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

Four Jehovah's Witnesses from Gyanja are known to have been imprisoned in October 2014, for failing to pay earlier fines imposed for exercising their freedom of religion or belief. All four prisoners of conscience were jailed for between three and 20 days under Administrative Code Article 313-1.1, one of them for the second time. This Article punishes "failure to meet the requirements of court decisions or other official orders" with a fine on individuals or imprisonment of up to one month.

The fines imposed on the four who became prisoners of conscience were (as is often the case) large in relation to many people's income and savings – 1,000 Manats can in rural

areas be the financial value of one family's home and assets (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Rashad Niftaliyev, who was then 26, was given a 20-day prison term under Article 313-1.1 by Judge Yashar Hashimov at Gyanja's Kapaz District Court on 15 October 2014. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18.

Prisoner of conscience Niftaliyev was jailed after paying only part of a fine of 2,000 Manats (now about 15,400 Norwegian Kroner, 1,780 Euros, or 1,900 US Dollars) imposed under Article 299.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies") in November 2011. "Even though the debtor was repeatedly warned, he has paid only 50 Manats [now about 385 Norwegian Kroner, 45 Euros, or 50 US Dollars]" bailiff Tural Imanov told the Court. Niftaliyev told the Court that he does not have the money to pay the rest of the fine. He appealed to Gyanja Appeal Court, but on 30 October 2014 his appeal was declared inadmissible. He tried to challenge this finding in December 2014, but failed to overturn it.

In July 2012, Niftaliyev had been given an official warning at Gyanja's Kapaz District Court for failing to pay the November 2011 fine (see F18News 10 August 2012 http://www.forum18.org/archive.php?article_id=1730).

Similarly, 61-year old prisoner of conscience Mardan Mammadov was given a 10-day prison term under Article 313-1.1, by Judge Afiq Huseynzada at Gyanja's Kapaz District Court on 16 October 2014. Mammadov had paid only 60 Manats (now about 460 Norwegian Kroner, 50 Euros, or 57 US Dollars) of a November 2011 fine of 1,500 Manats (now about 11,550 Norwegian Kroner, 1,335 Euros, or 1,425 US Dollars) under Article 299.0.2.

Mammadov told the Court he could pay a further 100 Manats (now about 770 Norwegian Kroner, 90 Euros, or 95 US Dollars), but has no money to pay more as he cannot work because of ill-health. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18. On 13 November 2014, Gyanja Appeal Court rejected his appeal.

Prisoner of conscience Irada Huseynova, who was then 49, was given a three-day prison term under Article 313-1.1 by Judge Emin Aliyev at Gyanja's Kapaz District Court on 21 October 2014. She had paid only 40 Manats (now about 308 Norwegian Kroner, 36 Euros, or 38 US Dollars) of a January 2014 fine of 1,800 Manats (now about 13,860 Norwegian Kroner, 1,600 Euros, or 1,710 US Dollars) under Article 299.0.2 (see F18News 10 February 2014 http://www.forum18.org/archive.php?article_id=1926).

Huseynova told the Court she has no money to pay as she does not work and looks after her mother. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18. On 5 November 2014, Gyanja Appeal Court rejected her appeal.

Prisoner of conscience Asim Mammadov, who is 25, was given a 10-day prison term under Article 313-1.1 by Judge Nuru Quliyev at Gyanja's Kapaz District Court on 27 October 2014. He had paid only 30 Manats (now about 230 Norwegian Kroner, 27 Euros, or 29 US Dollars) of a November 2011 fine of 1,500 Manats under Article 299.0.2. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18. On 13 November 2014, Gyanja Appeal Court rejected his appeal.

Mammadov had earlier been given a similar three-day prison term under Article 313-1.1

at Gyanja's Kapaz District Court in July 2012. This was also for failing to pay the November 2011 fine (see F18News 10 August 2012 http://www.forum18.org/archive.php?article_id=1730).

Rising religious intolerance

JW.ORG (25.03.2015) - Religious intolerance is escalating in Azerbaijan as law-enforcement authorities impose heavy fines on Jehovah's Witnesses and imprison them. Authorities are criminally prosecuting the Witnesses for meeting together for worship and for talking to others about their beliefs.

Criminalization of Religious Activity

On December 5, 2014, two of Jehovah's Witnesses—Irina Zakharchenko, a partially disabled 55-year-old widow, and 38-year-old Valida Jabrayilova, who is the primary caregiver for her mother—were sharing their faith with the residents of an apartment complex in Baku. The two women were offering without charge the brochure *Teach Your Children*, designed to help parents to teach their children Bible stories and lessons. *

The police investigator criminally charged them with distributing Bible literature without "appropriate permission." Specifically, the charge brought against the women was for a crime committed as an organized group, which carries a stiff fine, ranging from 7,000 to 9,000 manats (USD 6,690 to 8,600) * or two to five years' imprisonment.

In the course of the investigation, the police investigator and the Ministry of National Security (MNS) repeatedly summoned the women for questioning. When the women once again responded to a summons from the MNS on February 17, 2015, they unexpectedly found themselves arraigned in a closed hearing before the Sabail District Court in Baku.

After presenting criminal charges, the police investigator submitted a motion to place the women in pretrial detention because he thought that the women were likely to commit the act again and to "escape and hide from investigation." The women's lawyer objected, claiming that the detention was unjustified given the circumstances and the women's cooperation with the authorities. Although the judge noted that the women had no prior convictions, he characterized their activity as a "threat to the public" and granted the investigator's motion for three months' detention in the jail operated by the secret police.

- The attorney for the women appealed the decision, and on February 26, 2015, police transported them in handcuffs from jail to the Baku Appeal Court in a vehicle with dark-tinted windows. In the closed hearing that followed, neither the prosecutor nor the MNS investigator presented any evidence supporting the need for pretrial detention. Nonetheless, the court denied the appeals, and Ms. Zakharchenko and Ms. Jabrayilova were returned to the jail.

- On March 6, 2015, two groups from the MNS obtained court orders and searched the homes of Ms. Zakharchenko and Ms. Jabrayilova, confiscating their religious literature, personal notebooks, a computer, and a mobile phone. On March 10, 2015, the MNS, the State Committee for Work with Religious Associations, and the police presented court orders to search the Kingdom Hall (house of worship) and the home of one of the congregation elders. Also, the MNS has summoned a number of Witnesses in Baku for interrogation in this case.

- In response to the detention of Ms. Zakharchenko and Ms. Jabrayilova, Jehovah's Witnesses have prepared a letter to the UN Special Rapporteur and Arbitrary Detention Group requesting intervention. A local lawyer is preparing a motion in trial court to substitute pretrial detention with house arrest.

Heavy Fines and Jail Sentences for Attending Religious Services

In Ganja, authorities have imposed heavy fines on those attending religious meetings of the Witnesses and have detained some in jail. Fines have ranged from 1,500 manats (USD 1,433) to 2,000 manats (USD 1,911).

In October 2014, courts in Ganja jailed three Witnesses and a man attending their religious services for nonpayment of fines imposed upon them for meeting for worship. Though they had made partial payments, authorities jailed them from 3 to 20 days.

The man worshipping with the Witnesses states: "To me, 1,500 manats (USD 1,433) is a lot of money. . . . My initial reaction was not to pay the fine because I consider myself innocent." Two Witness men also felt that their punishment was unjust and reported that the authorities treated them like criminals.

- The third Witness who was jailed, a woman, states: "No one took into consideration that my family has a very hard financial situation, that I provide care for my disabled mother, who cannot do anything independently, and that I voluntarily began paying the fine."

The four have completed their jail sentences, but the court still demands full payment of the fines. If they fail to satisfy the court's expectation of timely payment, the court may again order their detention.

Will Azerbaijan Uphold Justice?

Officials in Azerbaijan have been using various methods to obstruct the religious activity of Jehovah's Witnesses. Currently, Jehovah's Witnesses have 19 applications against Azerbaijan pending with the European Court of Human Rights to address the intolerance they are facing. In the meantime, the Witnesses hope that Azerbaijan's high authorities will correct the injustice of the pretrial detention of Ms. Zakharchenko and Ms. Jabrayilova. By rectifying this and other acts of religious intolerance, Azerbaijan can show respect for its citizens, its constitution, and its support of fundamental human rights.

Six new freedom of religion or belief prisoners of conscience

Forum 18 (16.03.2015) - On 10 March Shia Muslim theologian and translator Jeyhun Jafarov became the latest person to be arrested and ordered held in pre-trial detention by the National Security Ministry (NSM) secret police, apparently to punish him for exercising his freedom of religion or belief, his friends told Forum 18 News Service from Azerbaijan's capital Baku on 12 March. A Baku court has set his pre-trial detention at four months while the criminal investigation on charges of treason continues. This carries a possible life sentence.

Jafarov's arrest came two weeks after the arrest of five Sunni Muslims from Baku, including Mubariz Qarayev, imam of the Lezgin Mosque in Baku's Old City. The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016). A court has ordered the five men held in pre-trial detention – also at the NSM secret police Investigation Prison – for three months on criminal charges of selling religious literature which has not been censored by the state (see below).

Already held in the same prison are two female Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova. They were arrested and ordered held in pre-trial detention for three months on 17 February. They face up to five years' imprisonment if convicted of distributing religious literature without the required state permission (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). Their appeal against being held in pre-trial detention was rejected (see below).

The arrests appear to be part of a continuing wider state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect (see eg. <http://www.nhc.no/en/countries/europe/azerbaijan/>). 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, including a conscientious objector to military service (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

No official information

The families of many of those arrested are too frightened to speak, Forum 18 notes.

Although the ordinary police confirmed to Forum 18 the criminal prosecution of the two Jehovah's Witness prisoners of conscience, the NSM secret police appears to have made no public comment on any of the latest six Muslim prisoners of conscience. This is despite the NSM arresting the Muslims, investigating them, and bringing the cases to court to have their prisoners held in NSM pre-trial detention.

The official who answered the telephone on 16 March at the MSM secret police Press Office insisted that the arrests and detentions of the six Muslims and two Jehovah's Witnesses "have nothing to do with us". The official – who would not give his name – referred all enquiries to the General Prosecutor's Office and put the phone down.

Telephones at the General Prosecutor's Office – as well as at the Sabail District Prosecutor's Office – were engaged or not answered when Forum 18 called on 16 March.

The telephone of Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations, went unanswered when Forum 18 called on 16 March.

Newest freedom of religion or belief prisoner of conscience arrested

The 42-year-old Jafarov has exercised his freedom of religion or belief in a variety of ways, including leading haj pilgrimage groups to Mecca. He conducted a series of television programmes on Space TV on religion entitled "Night Conversations". He translated two books entitled "Ethics in Islam" by the late Iranian Ayatollah Mohammadreza Mahdavi Kani. He also led the Evolution Translation Centre.

On 4 March Jafarov returned with his brother from Iran, where the brother had been undergoing a kidney operation, the Baku newspaper "Musavat" reported on 11 March. Jafarov had accompanied his brother to help him during the eight-day visit. After their

return, Jafarov was ordered to report to the NSM secret police on 10 March. There he was arrested, and his family had no information about what had happened to him.

On 12 March Judge Elshad Shamayev of Baku's Sabail District Court ordered Jafarov held in pre-trial detention in the NSM secret police Investigation Prison in Baku for four months, his friends told Forum 18. He learnt that he is being investigated under Criminal Code Article 274 ("Treason"). This is punishable by between 12 years' and life imprisonment.

"Jeyhun Jafarov has never been involved in politics," a local scholar of Islam in today's Azerbaijan told Forum 18 on 11 March. "The government will probably try to associate him with the Iranian secret services."

Legal culture

The Chancellery of Sabail District Court refused to confirm details of the hearing for Jafarov (or for any of the other recent detainees). One official insisted to Forum 18 on 13 March: "We can't give any information because you're not a party to the case and we can't give any information by phone." Her colleague, who similarly would not give his name, refused even to confirm that the hearing had taken place. "We can't say if it happened or didn't happen." Asked if the hearing had been open or closed, the official laughed. "You're taking up our work time. My culture doesn't allow me to put the phone down," he added, before putting the phone down.

Five arrests of freedom of religion or belief prisoners of conscience

The latest five Sunni Muslim prisoners of conscience were arrested in the days following a raid by officials of the State Committee for Work with Religious Organisations on the Burhan Muslim bookshop in Baku. Although friends of the five insist that all the books on sale had received the compulsory prior approval from the State Committee, officials claimed that some of the books had not. The shop has not been closed.

Strict state censorship of all religious literature and other materials produced in Azerbaijan or imported is imposed. Texts such as the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are banned (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). There is also compulsory state licensing of all bookshops and street vendors who wish to sell books and texts dealing with religion or belief (see F18News 18 July 2012 http://www.forum18.org/archive.php?article_id=1721).

The 40-year-old Imam Qarayev of the Lezgin Mosque, who also runs the bookshop, was first summoned by the NSM secret police for questioning one Friday in January, his friends told Forum 18. "Officers told him they would be finished with him before Friday prayers," one friend told Forum 18. "But they weren't. We were waiting and waiting and trying to call him. We had to go ahead with prayers without him and someone had to give the sermon without being able to do the proper preparation."

Imam Qarayev and three other Sunni Muslims – Habibulla Omarov, Salim (last name unknown) and Eyvaz – were summoned to the NSM secret police on 24 February. There they were detained. In separate hearings on 26 February, various judges at Baku's Sabail District Court ordered their pre-trial detention at the NSM Investigation Prison.

A fifth Sunni Muslim, Azad Gafarov, was summoned to the NSM secret police and detained on 26 February. On 28 February Sabail District Court ordered his pre-trial detention at the NSM Investigation Prison.

Sabail District Court Chancellery refused to discuss any recent hearings with Forum 18.

Criminal investigation

Omarov and Gafarov are being investigated under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. NSM Investigator Samir Aliyev is leading the case against the two.

Imam Qarayev, Salim and Eyvaz are being investigated under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' imprisonment.

Criminal Code Article 167-2 was among other many new criminal and administrative punishments for exercising freedom of religion or belief introduced in 2011 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

"It's not pleasant when they take the imam of a mosque"

"Of course we're worried about them," one friend of some of the five men told Forum 18 from Baku. "These are serious charges." The friend was particularly concerned at the arrest of Imam Qarayev. "It's not pleasant when they take the imam of a mosque. Community members keep asking when he'll be freed."

On the three Fridays since Imam Qarayev's arrest, members of the congregation have had to lead the namaz, a member of the Lezgin Mosque told Forum 18.

In the past month, several members of the Lezgin Mosque have been sacked from their jobs, the community member added. "Although this has been going on for some years, it has stepped up in the past month."

The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close (see F18News 18 November 2014

http://www.forum18.org/archive.php?article_id=2016). The latest known violations of Sunni Muslims' freedom of religion or belief include the State Committee for Work with Religious Organisations warning the leaders of a Sunni Mosque in Qobustan that if the leadership did not liquidate itself, hand back documents for the Mosque, and allow the Mosque leadership to be replaced, the State Committee would go to court to enforce its liquidation. The Mosque leadership reluctantly complied under state pressure (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

On 18 February a Sunni Muslim prisoner of conscience, Zohrab Shikhaliyev, was given a six month jail term for having an open prayer room in his home. As he had already been held for more than three months in pre-trial detention, he had nearly three months left to serve (see F18News 23 February 2015

http://www.forum18.org/archive.php?article_id=2041).

Prison address of latest six prisoners of conscience

The NSM secret police Investigation Prison in Baku – where Jafarov, Qarayev, Omarov, Gafarov, Salim, Eyvaz, Zakharchenko and Jabrayilova are being held - is on the upper floor of the main NSM building in Baku.

It was among Azerbaijan's prisons visited by a delegation from the Council of Europe's

Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). It has still not been published.

Appeal against prisoners of consciences' detention fails

The two female Jehovah's Witness prisoners of conscience, Zakharchenko and Jabrayilova, are being held in the same NSM secret police Investigation Prison. They appealed against the pre-trial detention orders for three months, but on 26 February Baku Appeal Court rejected their appeals, Jehovah's Witnesses told Forum 18.

The two are, like the five Sunni Muslim prisoners of conscience from the Lezgin Mosque, also being investigated under Criminal Code Article 167-2.2.1, in their case for the "crime" of distributing religious literature on a street (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The case is being led by NSM Chief Investigator Matlab Mehdiyev. While Jabrayilova is represented by a lawyer, investigators insist that Zakharchenko cannot use the same lawyer. She is still seeking a lawyer to represent her, Jehovah's Witnesses told Forum 18.

Fresh NSM searches and questioning

On 6 March the NSM secret police searched Zakharchenko and Jabrayilova's homes again. Also in connection with the case, they searched the home of a leader of the Baku Jehovah's Witness community and the place where the community meets on 10 March, Jehovah's Witnesses told Forum 18.

At least five Jehovah's Witnesses from Baku have been summoned for interrogation at the NSM secret police about the case, even though questions were far more wide-ranging. Some were held there and questioned for hours, Jehovah's Witnesses added.

Violence has been used by the NSM and other officials against those it questions (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Trial continues for former secret police prisoners

Also held for several months in 2014 in the same NSM secret police Investigation Prison were three of five other Muslims now on trial in Baku. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began under Judge Akshin Afandiyev at Baku's Yasamal District Court with a preliminary hearing on 10 December 2014 and hearings have continued since then (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The five Muslims were with others arrested for participating in a meeting to discuss their faith which was raided by armed police and NSM secret police in April 2014. They were transferred to house arrest on 12 September after up to five months in pre-trial detention at the NSM secret police investigation prison in Baku. Hajiyev and Mammadov had been held since April, Sabzaliyev since May (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

The next hearing in the case is due on 17 March. "Hearings are taking place almost every week," the lawyer for four of the five men Asabali Mustafayev told Forum 18 from Baku on 13 March. "As there are still many witnesses to question, the trial might not be

concluded until the end of May or June." He noted that as long as the trial continues, the five men are living under restrictions. This includes a ban on leaving Baku.

Another Mosque forcibly transferred to new leadership

Forum 18 (24.02.2015) - Yet another Sunni Muslim mosque has been forcibly transferred at the state's behest to new leadership "closer to the authorities", members of the ousted mosque community complained to Forum 18 News Service. The enforced transfer of the mosque in Qobustan on the southern edge of the capital Baku appears to be part of a long-running campaign to close down Sunni Muslim mosques or transfer them to Shia Muslim control loyal to the Azerbaijani authorities. The state religious affairs official involved refused to discuss the transfer with Forum 18, while police who subsequently conducted a four-hour raid also refused to comment.

Meanwhile, police continue to detain Jehovah's Witnesses who hold religious meetings, speak to others about their faith or offer religious literature without state permission. Some are given fines of three to four months' average wages (see below).

In the most serious such case, on 17 February two female Jehovah's Witnesses were ordered held for three months in Baku's National Security Ministry (NSM) secret police investigation prison. They are being investigated on criminal charges that carry a maximum five-year prison term (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations, refused absolutely to discuss anything with Forum 18 on 19 February. Asked about various cases, she responded: "What's it to do with you?" before putting the phone down. All subsequent calls went unanswered.

Earlier enforced mosque transfers

As has happened with the Qobustan Mosque, another Sunni mosque, in Mushfiqabad near Baku, was transferred to new control in spring 2014. Unnamed officials of the State Committee said in March 2014 that the old community which ran the mosque had "dissolved itself". Muslims close to the community denied this to Forum 18. The mosque is no longer specifically Sunni (see F18News 28 May 2014 http://www.forum18.org/archive.php?article_id=1962).

Other Sunni mosques in Baku - such as the Abu Bekr Mosque and the Martyrs' Mosque, also known as the Turkish Mosque, near parliament - have been closed by the authorities on various pretexts since 2008. The only Sunni Muslim mosque in Azerbaijan's second city Gyanja [Gäncä] was also forcibly closed in 2009 (see F18News 18 September 2009 http://www.forum18.org/archive.php?article_id=1350).

The authorities in Baku's Old City have attempted to close the Lezgin Mosque - which also follows Sunni worship - but the community has so far been able to resist such attempts (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Registration compulsory - if you can get it

Religious communities have repeatedly complained of arbitrary registration and re-registration denials. Azerbaijan insists that state permission is needed for people to meet together to exercise freedom of religion or belief, in defiance of its international human

rights obligations. Lack of state registration can lead to police raids, confiscations of religious literature, fines and even criminal prosecutions (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

The State Committee – which is supposed to register religious communities – has persistently refused to process registration applications by communities it does not like. Particular targets of obstruction to registration or re-registration attempts are Sunni Muslim communities, other Muslim communities outside the control of the state-backed Caucasian Muslim Board, Protestant churches and Jehovah's Witness communities.

Baku's Jehovah's Witness community lodged its re-registration application in 2009, but the State Committee repeatedly rejected it. Their community in Gyanja lodged an application on 8 June 2011. The State Committee has not processed this application.

Sabina Allahverdiyeva, a lawyer who worked in the State Committee's Legal and Registration Department in 2009 and now heads it, totally refused to discuss why so many re-registration applications lodged by so many different religious communities have been ignored or rejected. "I have no right to give any information by telephone," she told Forum 18 in December 2014 (see F18News 1 December 2014 http://www.forum18.org/archive.php?article_id=2019).

Latest enforced mosque transfer

The state authorities appear to have disliked the community at the Juma (Friday) Mosque in Qobustan in Baku's Qaradag District. The Sunni Mosque was built by the imam in the 1990s on his own land. It was originally named in honour of Umar ibn Al-Khattab, the second caliph. However, as many Shias are critical of Umar, the mosque came under pressure to change the name and it subsequently called itself by the more neutral Juma Mosque.

The Mosque was originally registered by the Justice Ministry, re-registered by the Justice Ministry and re-registered again by the State Committee after the new state entity was established in 2001. However, the State Committee did not approve the community's 2009 re-registration application.

In January 2015, the State Committee official for Baku, Anar Kazimov, telephoned Mosque leaders and warned them that if the leadership did not liquidate itself, hand back documents for the Mosque and allow the Mosque leadership to be replaced, the State Committee would go to court to enforce its liquidation, original community members complained to Forum 18 on 11 February. "Anar sounded threatening," one community member told Forum 18. "He said they could easily find 50 new people to constitute the new leadership. They obviously wanted people closer to the authorities."

The community leadership chose to comply with the instruction, realising that little would be gained by trying to challenge it, community members told Forum 18. On 20 January the community officially removed the long-standing imam who had originally founded the Mosque. Prayers continued at the Mosque.

Kazimov, the State Committee official for Baku, refused absolutely to discuss anything with Forum 18 on 19 February.

More than 500 worshippers regularly attend Friday prayers at the Mosque, original community members told Forum 18. "The Mosque is too full for all to fit inside, so some pray in the garden outside."

When the Mosque held prayers on 28 July 2014 for the end of Ramadan, one day before

the date that the state-backed Muslim Board had designated as the end of Ramadan, authorities threatened to fine the leaders, community members told Forum 18.

The state also refused to authorise the ousted imam's son to work in the Mosque as an imam, original community members lamented to Forum 18. "He studied in an Islamic University in Saudi Arabia and the authorities don't want him," one explained.

Since July 2009, the Religion Law has banned men who have gained their religious education abroad from working as imams, a restriction which is not applied to other faiths (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Police raid

On the afternoon of 10 February, about three weeks after the enforced state-backed transfer of leadership, police raided the Qobustan Juma Mosque. "Officers of the police and possibly the NSM [secret police] spent about four hours checking every room in the building," members of the original community complained to Forum 18. "They took 178 religious books without giving any record of any confiscation. These were books on the Koran – there was no radicalism and nothing political there."

No one at the Qaradag Police's 11th department would explain to Forum 18 on 19 February why the Mosque was raided. Officers referred Forum 18 to Police Chief Latif Jahangirov. However, he was not in the office or his phone went unanswered each time Forum 18 called between 19 and 24 February.

Present during the 10 February raid, according to community members was the head of the Qaradag District Narcotics Department, Elman (last name unknown). Community members speculated that he might have been present to facilitate the planting of drugs in the Mosque. Forum 18 reached him on 24 February but he declined to discuss the raid, eventually claiming that it was a wrong number.

Two Baku detentions, one large fine

On 21 January, two Jehovah's Witnesses were detained in Baku for distributing religious literature, the Interior Ministry noted on its website the same day. Mahluqa Akhmadova and Ismayil Bagirov – residents of Lokbatan - were detained by Qaradag District Protection Department. "Those arrested had with them ten religious books banned from distribution in Azerbaijan," the Ministry said. "The literature was confiscated and the man and woman were taken to the 10th police station." There records of an offence under Administrative Code Article 299.0.2 were drawn up.

Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies". Punishment on individuals is a fine of between 1,500 and 2,000 Manats. This is more than three to four times what the state says is the average monthly wage (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

The detentions came the same day that a visiting Jehovah's Witness delegation met Mubariz Qurbanli and Gunduz Ismayilov, Chair and Deputy Chair of the State Committee, according to the State Committee website. The delegation consisted of Russian Jehovah's Witness Vasili Kalin - a Soviet prisoner of conscience in 1983 – and Marc Hansen from Brussels.

The cases against Akhmadova and Bagirov were handed to Qaradag District Court. After several delayed hearings, on 12 February Judge Rashad Mammadov closed the case against Akhmadova, according to the court website. By contrast, on 29 January, Judge

Fuad Huseynov fined Bagirov 1,500 Manats (11,000 Norwegian Kroner, 1,300 Euros or 1,500 US Dollars). Bagirov lodged an appeal to Baku Appeal Court where, on 24 February, Judge Faiq Qasimov was due to hear the case.

The telephone of Captain Rahil Ismayilov, head of the 10th Police Station, was engaged or went unanswered each time Forum 18 called on 24 February.

Fined for religious activity away from registered address

Baku resident Rahima Huseynova was found guilty at Baku's Sabunchu District Court on 26 December 2014 under Article 299.0.4. This punishes "religious activity not within a religious association's registered address" with fines for individuals of between 1,500 and 2,000 Manats (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Huseynova was fined 1,500 Manats. She appealed against the fine. However, on 29 January 2015, Judge Qadim Babayev of Baku Appeal Court rejected her appeal, according to the court website.

Forum 18 was unable to discover what religious community Huseynova belongs to nor whether she was fined for hosting religious meetings in her home.

Raids, massive fines by post

Numerous raids and fines on Jehovah's Witnesses exercising their right to freedom of religion or belief occurred in 2014 (see F18News 7 August 2014 http://www.forum18.org/archive.php?article_id=1983).

On 12 October 2014, police raided a religious meeting in the Gyanja home of Saladdin Mammadov, Jehovah's Witnesses told Forum 18. About ten officers of the city's Nizami District Police entered his home without permission. "An elderly woman fainted because of the stress," they noted. Officers searched the home and ordered that all 21 present go to the police station. Once there, officers seized all their personal religious literature, including copies of the Bible, but later returned most of the literature.

Two days later, police posted decisions to Mammadov, Sadagat Abbasova and Rashad Niftaliyev ordering each of them to pay a fine of 2,000 Manats for violating Administrative Code Article 299.0.2. On 27 October 2014, the three filed appeals against the fines in the city's Nizami District Court. On 6 November 2014, the court upheld all the convictions and fines.

On 17 November 2014, the three lodged further appeals to Gyanja Appeal Court. However, the Court rejected all three appeals, Mammadov's on 27 November 2014, Abbasova's on 28 November 2014 and Niftaliyev's on 1 December 2014, according to court decisions seen by Forum 18. The Court rejected the defendants' insistence that their right to exercise freedom of religion or belief is upheld by international human rights documents Azerbaijan has signed up to, including the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Latest secret police prisoners – two female Jehovah's Witnesses

Forum 18 (23.02.2015) - Amid a widening crackdown on religious, political and social activity the Azerbaijani government does not like, two female Jehovah's Witnesses have been ordered held in the National Security Ministry (NSM) secret police investigation

prison in the capital Baku until 17 May. Irina Zakharchenko and Valida Jabrayilova are being investigated on criminal charges of going from door to door offering religious literature without state permission, according to the court decisions seen by Forum 18 News Service. They face up to five years' imprisonment if convicted.

Colonel Isfandiyar Mehbaliyev, head of the District Police in Pirallahi, where the women were initially detained, defended the case against them. "Under our laws, spreading religious books is banned," he told Forum 18 from the town on 23 February. Asked whether the transfer of the criminal case to the NSM secret police means that the state regards offering religious literature to others as dangerous and a threat to state security, Colonel Mehbaliyev refused to respond. "I have work to do," he said and then put the phone down.

On 18 February, a court in the town of Sumgait [Sumqayit] north of Baku handed down a six-month prison term on a Sunni Muslim for maintaining an open prayer room in his home. Zohrab Shikhaliyev has already been held for more than three months in pre-trial detention, so he has nearly three months left to serve (see below).

Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations, refused absolutely to discuss anything with Forum 18 on 19 February. Asked about various cases, she responded: "What's it to do with you?" before putting the phone down. All subsequent calls went unanswered.

"Two innocent women"

Fellow Jehovah's Witnesses have complained about Zakharchenko and Jabrayilova's imprisonment. "This is a gross violation of the human rights of two innocent women, who are currently imprisoned because of their religious beliefs," they complained to Forum 18 from Baku on 20 February. "The court's decision contradicts both Azerbaijani and international law." They point out that the right to share one's faith with others in public has been repeatedly protected by the European Court of Human Rights in Strasbourg.

The two women are facing charges under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years.

Four of the five Muslims whose trial began at Baku's Yasamal District Court on 10 December 2014 and is still continuing are similarly being prosecuted under Article 167-2.2.1. All five are also facing charges under Criminal Code Article 168. Three of the five were held for up to five months in 2014 in the same NSM secret police investigation prison in Baku (see below).

This is the first time Jehovah's Witnesses have been imprisoned on criminal charges not connected to refusal to serve in the armed forces, Forum 18 notes.

Many Muslims are in prison or on trial for exercising their right to freedom of religion or belief. The largest single group consists of those imprisoned to punish them for protesting on the streets of Baku in October 2012 against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. Ten are still imprisoned (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

In recent years the only non-Muslim prisoners of conscience jailed for exercising the right to freedom of religion or belief have been Jehovah's Witness conscientious objectors to compulsory military service, Forum 18 notes. In recent years several Protestant Christians have also served prison sentences to punish them for exercising the right to freedom of religion or belief (see Forum 18's Azerbaijan religious freedom survey

http://www.forum18.org/archive.php?article_id=1690).

Secret police Investigation Prison

The NSM secret police Investigation Prison – where Zakharchenko and Jabrayilova are being held and where the three Muslims were held in 2014 - is on the upper floor of the main NSM building in Baku.

It was among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit. "Our reports remain confidential until the government concerned requests publication," a Committee official told Forum 18 from Strasbourg on 6 January 2015. "Azerbaijan has not yet done this."

In the days after their 17 February detention, the women's relatives (Zakharchenko's son and Jabrayilova's mother) came to the investigation prison to try to meet them. They also hoped to hand on soap, underwear and other essentials, Jehovah's Witnesses told Forum 18. However, prison officials told them they could only meet their relatives on the visiting days of Tuesdays and Fridays and they must be accompanied by their lawyer to be allowed access.

Jehovah's Witnesses added that they do not know if Zakharchenko and Jabrayilova are allowed to have any religious literature with them.

Detained while discussing their faith

Trouble began for Jehovah's Witnesses Zakharchenko, a 54-year-old pensioner, and 38-year-old Jabrayilova on 5 December 2014. They were going from door to door to discuss their faith and offer copies of Jehovah's Witness publications in Pirallahi, a town of 16,000 on a narrow peninsula east of the capital. The two women "distributed religious literature without charge, thus illegally distributing it without appropriate permission to do so", the subsequent court decision – seen by Forum 18 – noted.

That same day, a local resident allegedly filed a complaint with Pirallahi District Police, the court decision adds. She claimed that the two women she did not know "after providing religious information about Jehovah God, presented her with the religious publication 'Teach Your Children' without charge, and recommended she study and share this religious publication without the appropriate permission". The court ruling does not explain why the resident felt it necessary to complain to the police after holding a discussion on religious themes with visitors, who offered her a religious book.

The decision notes that Zakharchenko and Jabrayilova also approached three other local residents.

However, the State Committee for Work with Religious Organisations - which implements the compulsory state censorship of all religious literature published in or imported into Azerbaijan - approved import of this publication on 11 August 2014. State Committee Deputy Chair Gunduz Ismayilov authorised the State Customs Committee to allow the import of 2,000 copies of the book.

The authorisation, seen by Forum 18, reports the State Committee's expert study as concluding: "In the examination of the samples of religious literature, submitted for analysis to the experts, ideas that could have a negative impact on the religious situation in the country have not been detected and therefore permission to import these may be granted."

Criminal case, sudden imprisonment

Since December 2014, Zakharchenko and Jabrayilova were not under arrest, but were several times summoned to the police and then the NSM secret police for questioning, Jehovah's Witnesses told Forum 18.

A criminal case against the two was opened under Criminal Code Article 167-2.2.1 on 17 February 2015, the court decision notes. The case was originally in the hands of the General Prosecutor's Office, but was then taken over by the NSM secret police.

That same day, the two women were ordered to come to the NSM secret police in Baku at 10 am. No reason was given for the renewed summons. However, later that day they were taken to Baku's Sabail District Court. "They didn't know a court hearing had been scheduled," Jehovah's Witnesses complained to Forum 18. "It was all very fast."

At 5 pm that evening, they were brought before Judge Rauf Ahmadov at a closed hearing. He authorised Zakharchenko and Jabrayilova's pre-trial detention at the NSM secret police investigation prison for three months, the decisions note.

The Judge accepted the urging of Chief Investigator Matlab Mehdiyev that pre-trial detention was necessary in view of "the nature of the criminal act, the degree of seriousness of the act; if left at large she would hide from the authority conducting the criminal proceedings, would be able to commit the act prescribed in the criminal law again, and hinder the finding of objective truth in the case".

Objections by both the women and their lawyer, Shams Ayyubova, that pre-trial detention was not necessary were rejected.

Zakharchenko and Jabrayilova lodged appeals on 20 February to Baku Appeal Court against Judge Ahmadov's decisions, Jehovah's Witnesses told Forum 18. No date has yet been set for the appeals to be heard.

Forum 18 was unable to reach Judge Ahmadov on 23 February. His assistant, who did not give his name, said he was in a hearing. "We can't give any information," the assistant added. "Talk to the investigator."

Forum 18 was unable to get a number for Chief Investigator Mehdiyev. The NSM secret police information office refused to discuss anything with Forum 18 on 23 February.

Six months' imprisonment for prayer room

Meanwhile, on 18 February, the final day of the month-long trial, Judge Azer Ismayilov of Sumgait City Court found 36-year-old Sunni Muslim Shikhaliyev guilty of keeping illegal weapons and ammunition in his Sumgait home under Criminal Code Article 228.1. This carries a punishment for having illegal weapons of imprisonment of up to three years. Judge Ismayilov handed down a six-month term of imprisonment, Shikhaliyev's friends told Forum 18 from Baku after the verdict was announced.

The criminal trial began in late January. Shikhaliyev's friends have vehemently denied the charges to Forum 18, insisting that the weapons the authorities claim to have found in his home were planted.

"Given conditions in Azerbaijan, Zohrab and his lawyer regard this as a victory," one friend told Forum 18, pointing out that Shikhaliyev could have received a far longer prison term. "As he has already spent more than three months in pre-trial detention, he will have less than that still to serve. So he probably won't appeal against the sentence."

Forum 18 was unable to reach Judge Ismayilov. The main telephone at the Court went unanswered on 23 February.

Until the verdict enters into force, which might take up to another month, Shikhaliyev is likely still to be held in the Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District, his friends told Forum 18.

Police raid on prayer room

Shikhaliyev established a Sunni Muslim prayer room in his home more than two years ago as no other Sunni mosque exists in Sumgait. The government is hostile to Sunni Muslims and has aided efforts to turn exclusively Sunni mosques into Shia-dominated communities, working with the state-backed Caucasian Muslim Board (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

The most recent mosque to be forcibly taken from Sunni control and handed over to new, state-backed management, is in Qobustan in Baku (see forthcoming F18News article).

Shikhaliyev was arrested in Sumgait by the Police Department for the Fight Against Organised Crime and Sumgait Town Police on 13 November 2014. The same day armed and masked police raided his home. Police claim to have discovered a Walther pistol and three bullets, 48 other bullets of various calibres, three grenades, six detonators and two memory cards from security cameras. They also claim to have seized 500 items of religious literature and 210 discs. Others detained for several hours the same day Shikhaliyev was arrested – including two invalid veterans of the Karabakh war - complain that police officers beat and humiliated them (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

On 15 November 2014, Baku's Narimanov District Court ordered Shikhaliyev's detention for two months in pre-trial custody as criminal charges were being investigated (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Baku criminal trial of five Muslims continues

The long-running trial of the five Muslims under Judge Akshin Afandiyev at Baku's Yasamal District Court continues, with the latest hearing on 23 February. "There are so many witnesses, and it will take some time for the court to get through all of them, perhaps till the end of March," the lawyer for four of the defendants Asabali Mustafayev told Forum 18 from Baku on 21 February.

Four of the five Muslims - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

The five are being punished after a massive armed police raid on a religious meeting in Hajiyev's Baku home in April 2014. Officers seized religious books, money and mobile telephones. Almost all the 39 adults and two children present were taken to the police station for questioning. Many were held there for up to two days.

As well as the arrests on criminal charges, nine other attendees were each fined 1,500 Manats (11,400 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars) at Yasamal District Court in April 2014 for their attendance at the meeting (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948).

Nakhichevan detentions without trial, beatings and attempted kidnapping

Forum 18 News Service (16.02.2015)

http://www.forum18.org/archive.php?article_id=2038 - Three Muslims who read the works of the late Turkish theologian Said Nursi were freed from prison on 11 February in the Azerbaijani exclave of Nakhichevan. Two were seized in Nakhichevan and the third in Baku and transferred to the exclave. All three were held without any court approval. They were beaten to force them to "confess" to a "crime" (distributing anti-government leaflets) one of their friends insisted to Forum 18 News Service they had nothing to do with. Police have confiscated passports from all three to prevent them leaving the exclave. A fourth fled to Turkey to evade possible arrest, though Azerbaijani police tried to kidnap him there. The Head of Nakhichevan's Department for Work with Religious Organisations Vuqar Babayev declined to discuss the cases with Forum 18. About six of the 200 or so Muslims arrested in November 2014 are still in detention, Yafez Akramoglu of Radio Free Europe told Forum 18. Several are being investigated on treason charges. Most of the 50 Nakhichevan mosques forcibly closed in November 2014 have reopened, but under new leadership "closer to the authorities".

On 11 February three Sunni Muslims who read the works of the late Turkish theologian Said Nursi were freed from prison in the Azerbaijani exclave of Nakhichevan [Naxçıvan], their friends told Forum 18 News Service. The three had been held without any court approval for two and a half weeks and are said to have been beaten. Police had seized one of the three in the Azerbaijani capital Baku and forcibly put him on a flight to Nakhichevan. Police have confiscated passports from all three to prevent them leaving the exclave. It remains unclear if they will face prosecution and, if so, for what reason.

A fourth Muslim fled to neighbouring Turkey to evade possible arrest. Azerbaijani attempts to seize him back failed. An Azerbaijani consular official in the Turkish city of Kars denied all knowledge of the case (see below).

Meanwhile, at least six or seven of the 200 or so Muslims arrested in a government crackdown in Nakhichevan in November 2014 are believed still to be in detention, Yafez Akramoglu of Radio Free Europe told Forum 18 on 16 February 2015. One was sent to prison for two months, apparently without trial, while two or three others are in prison under investigation on treason charges (see below).

The telephone of Nakhichevan Interior Minister Ahmad Ahmadov went unanswered each time Forum 18 called on 16 February. His deputy Qulu Rustamov put the phone down on 16 February as soon as Forum 18 introduced itself. The Head of Nakhichevan's Department for Work with Religious Organisations Vuqar Babayev declined to discuss the cases the same day, referring all questions to the Interior Ministry.

"The men were targeted because of their religious activity," one of the three men's friends insisted to Forum 18. "They read Risale-i Nur [Messages of Light, Nursi's collection of sermons]. Nakhichevan is a small place and everyone knows this."

The friend said fellow Muslims in Nakhichevan who read Nursi's works "face such problems at minimum once a year". Forum 18 has been unable to find out why they were targeted this time.

During the November 2014 mass arrests, about 60 Muslims who read Nursi's works were held only for a day or so before being freed (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021).

Severe restrictions on freedom of religion or belief

Nakhichevan – an autonomous territory of Azerbaijan on the Arax river wedged between Armenia, Turkey and Iran - has a population of more than 400,000 and its own government and parliament. The autonomous territory's restrictions on people's ability to exercise human rights, including freedom of religion or belief and other political and social freedoms are far tighter than in the rest of Azerbaijan. These include a de facto ban on people exercising freedom of religion or belief who are Shia Muslims outside state control, almost all Sunni Muslims meeting as communities, and non-Muslims such as Baha'is, Seventh-day Adventists, Hare Krishna devotees, or Russian Orthodox (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021).

Arrested or seized?

Police seized two of the three Muslims in Nakhichevan city, the capital of the exclave, on 24 January, their friends – who asked not to be identified for fear of state reprisals – told Forum 18. Police showed no warrant for the men's arrest and no court approved their detention.

At about the same time, police came to the Baku home of the third man, who is originally from Nakhichevan but now lives and works in the Azerbaijani capital. After seizing him they forcibly put him on a plane to Nakhichevan. On arrival he was transferred to prison. "Officers gave no reason for his detention and showed no documentation," friends told Forum 18. "His family didn't know where he had been taken. Only when they asked the police did they learn that he had been taken to Nakhichevan."

The three men were taken to the Justice Ministry's Pre-trial Detention Centre in the village of Boyukduz in Kangarli District, 20 kms (12 miles) north-west of Nakhichevan city.

Beaten, forced to confess

Once in detention, the three men were kicked and beaten "in various places" and threats were made against their families, the men's friends complained to Forum 18. Police pressured them to sign statements confessing to "crimes". The men apparently did so as a result of what their friends describe as "torture" and their "confessions" were filmed. Although their friends believe the "confessions" were filmed for subsequent showing on Nakhichevan television, they do not appear to have been broadcast yet.

Police officers were seeking "confessions" from the men that they were responsible for an incident in 2013, when leaflets criticising Nakhichevan's rulers were thrown from a car window in central Nakhichevan city. "But they had nothing to do with it," the three men's friends insisted to Forum 18.

Police have long been under political pressure to find those responsible, and others have earlier been pressured to admit to the "crime", Akramoglu of Radio Free Europe – a Nakhichevan native who was deported from the exclave in 2011 - told Forum 18.

Released, but can't leave Nakhichevan

The three men were released from prison on 11 February but, as their passports have been seized, they are unable to leave the exclave. Their friends do not know if they will face administrative or criminal prosecution. The three men do not have a lawyer. "No lawyers in Nakhichevan would dare to defend them," one of their friends told Forum 18.

One who got away

Another Nakhichevan-based Muslim associated with the other three, Chingiz Talibov, fled to neighbouring Turkey in late January to avoid what he feared would be his detention, his friends told Forum 18.

Once in Turkey, he was contacted by the Azerbaijani Consulate in the town of Igdir, 85 kms (50 miles) from the land border with Nakhichevan. His friends say Consulate officials "tricked him" into coming to visit. Three plain-clothed Azerbaijani police from Nakhichevan then tried to "kidnap" him in an apparent attempt to return him forcibly to Azerbaijan. However, Turkish police witnessed the kidnap attempt on the street and intervened to protect him. The Turkish authorities then deported the three plain clothes police officers back to Azerbaijan.

Nakhichevan police have in the past tried to kidnap in Turkey people from Nakhichevan they wanted back, Akramoglu of Radio Free Europe told Forum 18.

After the failed kidnapping, the Nakhichevan authorities stepped up pressure on Talibov's family in an apparent attempt to force his return home, his friends told Forum 18.

Ramin Yusubov, Vice-Consul at Azerbaijan's Consulate in Kars (which oversees the consular office in Igdir) claimed to Forum 18 on 16 February that "we know nothing about this". He insisted that Talibov "didn't come to the Consulate either in Kars or in Igdir". And he added: "There was no deportation by the Turkish authorities of any Azerbaijani police officers. If there had, we would have known about it."

Detention with no trial, investigation

During the mid-November 2014 crackdown, the authorities arrested about 200 Muslims. While most were released within one or two days (including about 60 Muslims who read Nursi's works), up to 50 of the Muslims were apparently still in detention in early December 2014. Up to 50 mosques – especially those Nakhichevan's authorities think are oriented towards Iran - appear to have been forcibly closed after the arrests (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021).

However, all but six or seven of those detained are now believed to have been released, Akramoglu of Radio Free Europe told Forum 18.

Two or three are reportedly being investigated on charges of treason and contact with the Islamic State movement, which has gained ground in Syria, Iraq and elsewhere, Akramoglu added. He said it is difficult to assess the validity of such accusations.

One other of those remaining in detention is serving two months' detention, although the sentence does not appear to have been handed down by a court and no specific allegations against him are known, Akramoglu told Forum 18.

New Mosque leadership "closer to the authorities"

Almost all the approximately 50 mosques forcibly closed in November 2014 have now reopened. "Most are under new leadership closer to the authorities," Akramoglu told Forum 18. "The authorities feared many of them were too close to the Iranians." Again, he said it was difficult to assess the validity of the state's accusations. The new imams were imposed on the mosques by the new Multiculturalism and Religious Affairs Committee, Akramoglu added.

The Multiculturalism Committee, established under an August 2014 Decree, aims to promote religion "in the right direction", control public rituals, especially funerals, and counter "religious sects", presumably within the Muslim community (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021). Forum 18 was unable to reach Committee Head Mirhashim Seyidov on 16 February 2015.

Forum 18 was unable to ask Babayev of Nakhichevan's Department for Work with Religious Organisations why the state-backed Multiculturalism Committee interfered in the leadership of mosques. He had already put the phone down before Forum 18 had the opportunity to ask.

"Everyone is of the Muslim religion"

Before he had ended the call, Babayev dismissed concerns Forum 18 has heard from Nakhichevan over restrictions on freedom of religion or belief. "All of the people in Nakhichevan are free to go to mosques or churches," he claimed. When Forum 18 pointed out that no non-Muslim places of worship – whether Christian churches, Baha'i temples or places of worship of any other faith – operate in Nakhichevan, he claimed: "There are no churches because everyone in Nakhichevan is of the Muslim religion."

The exclave's authorities have long had a de facto ban on religious activity by non-Muslim communities. Small groups of Baha'is, Seventh-day Adventists and Hare Krishna devotees were banned from meeting in the 2000s. Faik Farajov, then of the Department for Work with Religious Organisations, told Forum 18 in January 2010 that no non-Muslim communities exist. "The Adventists and Baha'is have all left," he claimed (see F18News 21 January 2010 http://www.forum18.org/Archive.php?article_id=1397).

Babayev said Shia Muslims make up 95 per cent of the population and Sunni Muslims the rest. Asked why Sunni Muslims have difficulty maintaining mosques, he said: "They must go to Shia mosques. Who wants a Sunni mosque?" Told that Forum 18 has spoken to individuals who want to worship in a Sunni mosque, he admitted that only one of the exclave's 217 mosques is Sunni-dominated, the Kazim Qarabakir Pasha Mosque in Nakhichevan city.

Also known as the Juma mosque, this was built in the 1990s by the Turkish government's Diyanet (Presidency of Religious Affairs), which also named its imam. However, the Nakhichevan authorities did not allow any Turkish imam to lead the mosque after February 2011. The Mosque was under Shia leadership for a while (see F18News 13 May 2011 http://www.forum18.org/archive.php?article_id=1570).

When Forum 18 asked why the Nakhichevan authorities appear to believe that they have the sole right to determine what places of worship of what faith are allowed to function, Babayev put the phone down. Subsequent calls went unanswered.
