

Are Taleh Bagirzade and other Nardaran Shia Muslims FoRB prisoners'?

By Willy Fautré, *Human Rights Without Frontiers*

HRWF (25.08.2016) – In early August, the trial of Imam Taleh Bagirzade (also known as Bagirov) and 17 other Muslims began in Baku. They are accused of serious violent crimes allegedly committed in 2015, which both they and local human rights defenders deny. The defendants are: Shamil Abdulaliyev, Bahruz Askarov, Jahad Babakishizade, Farhad Balayev, Fuad Gahramanli, Abbas Huseynov, Aqil Ismayilov, Etibar Ismayilov, Jabbar Jabbarov, Rasim Jabrayilov, Ibrahim Khudaverdiyev, Zakir Mustafayev, Ali Nuriyev, Abbas Quliyev, Abbas Tagizada, Alibaba Valiyev and Ramin Yariyev. All are said to be connected in one way or another to the Muslim Unity Movement created by Imam Bagirzade on 13th January 2015, without approval of the state-recognized Caucasian Muslim Board of Azerbaijan.

While 60% of Azerbaijan's Muslims are Shia, they do not question the secular nature of the state, which was inherited from the Soviet Union era. They are secularized, do not go to the mosque regularly, and are dressed as more people are in the EU. Most Shia communities are affiliated with the Caucasian Muslim Board of Azerbaijan; however the Shia Muslims of Nardaran are not.

Nardaran, a bastion of conservative Shia Islam

Nardaran is a settlement located on the Abşeron Peninsula 25 kilometers northeast of central Baku. It has a population of about 8,300.

Unlike the rest of the country which is staunchly secular, Nardaran is a lone center of conservative Shia Islam in Azerbaijan. Nardaran is the only place in the whole of Azerbaijan where the inhabitants are devoutly religious and conservative, where the streets display religious banners, and where most women wear chadors in public.

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, over the tomb of Rahima Khanim, the sister of Imam Reza.

Nardaran has been the site of strong protests and unrest, notable riots in June 2002 over what protesters deemed inadequate living standards and another in January 2006 which resulted in the deaths of three people. Nardaran may be one of the poorest places in Azerbaijan, while it is so close to the richest place in Azerbaijan, Baku.

The police raid in November 2015

In late November 2015, the Azerbaijani police undertook a raid to allegedly 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." In other words, the Muslim Unity Movement. Seven people, including at least two police officers, were killed, and several others were wounded during the police raid. The precise details remain unclear and will likely never be publicly clarified.

Both parties accuse each other of having used violence first. Some sources say the crackdown took place during a prayer meeting, while other non-governmental sources have published various different narratives. Did the arrested people use violence during the police operation? If the two policemen were shot dead, the investigators should be able to identify the bullets, the weapons, and their owners. Will these important 'details' be made public during the trial and will the evidence be reliable? These are the crucial points that should be raised and answered.

What is the Muslim Unity Movement?

What is the Muslim Unity Movement? Is it a religious entity, a political movement, or a civil society organization? *Human Rights Without Frontiers* has tried to answer this question before when deciding whether or not to include these prisoners in its annual Freedom of Religion or Belief (FoRB) Prisoners List, but, as of yet, has not been able to characterize the nature of this unregistered group, despite consulting scholars in Baku and experts outside Azerbaijan. Nobody could provide the charter of the movement, its objective, or its program. The organization's agenda and activities have apparently not been investigated by researchers.

However, U.S. expert Paul Goble said to Contact.az on 25th July 2016 that, "[t]he Islamic Unity Movement is in favor of non-violent changes and the spread of democratic values." This would mean it is a civil society organization and not a religious entity likely to enjoy the protection of Article 18 of the ICCPR, or Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981),ⁱⁱ or Article 9 of the European Convention in case an application would be filed with the European Court of Human Rights.

The Muslim Unity Movement is mainly based in Nardaran, a stronghold of conservative Shia Islam on the outskirts of Baku, where about 8000 residents follow and share the teachings of Imam Taleh Bagirzadeh. They regard Iranian Ayatollah Ali Khamenei as their supreme religious leader, and reject the authority of the state-recognized Caucasian Muslim Board of Azerbaijan (CMBA) and its chairman, Sheikh-ul-Islam Allakh-Shukur Pashazade. They often criticize the CMBA for its subservience to the political authorities.

Who is Taleh Bagirzade?

Taleh Bagirzade (also known as Bagirov) is a young Shia cleric who heads the unregistered Muslim Unity Movement. His sermons and other statements before his arrest were often critical of the authorities.

Taleh Bagirzade was born in 1984 in Baku. He graduated from the Azerbaijani Economic University. From 2005 to 2010, he received religious training in Qom, Iran's main theological training center for foreigners,ⁱⁱⁱ and in Najaf, Iraq. Such teachings promote theocracy instead of separation of state and religion, and an extreme form of Shariah, as it is practiced in Iran: execution by hanging, stoning, imprisonment of apostate, large scale repression of Baha'is, and so on.

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

He also organized demonstrations against the ban on headscarves in schools, a regulation Azerbaijan upholds to prevent coercion by religious radicals against schoolgirls^{iv}. On 6th May 2011, he was arrested for participating in the protest "Say NO to the headscarf ban"^v in front of the Ministry of Education of Azerbaijan. He was sentenced to one year and six months and released in November of 2012.

He was arrested on 31st March 2013, on accusations of "possession of narcotics and weapons," which he claimed was a fabricated charge, and he served a two-year prison term. Many people in Nardaran protested his arrest. After his release he used his sermons to attack the government. "No matter how many evil-doers there are in this world, how many men in black masks and guns, Allah is with us. You have stolen people's land, you have stolen the oil, and you still sit there with no one to say anything to you," he declared in one sermon. "Now you want to rule in the mosque too? No matter how influential an official is, he cannot rule inside the mosque."

Though incarcerated, Taleh Bagirzade was listed as one of the members of the National Council of Democratic Forces (NCDF). The NCDF was an organization founded by Rustam Ibragimbekov in an attempt to unite opposition groups as he had planned to run in the 2013 Presidential elections against Ilham Aliiev. Ibragimbekov's petition to run was denied based on his alleged ties to Russia, and the NCDF struggled to unite behind another candidate. Other members of the NCDF included representatives of the following parties:

- Musavat and the Popular Front Party (PFPA), two major pro-Western parties
- Ibragimbekov-led Forum of Intellectuals
- Liberal Party
- EL movement
- Islamist Party of Azerbaijan

After the presidential elections, the heavyweight party "Musavat", a number of minor party groups and civil society activists left the NCDF.

In the wake of the November 2015 police raid on the Muslim Unity Movement, Bagirzadeh is facing serious criminal charges brought by the General Prosecutor's Office's Serious Crimes Investigation Department^{vi}:

Article 29 ("Intent to commit a crime")

Article 120 ("Murder")

Article 214 ("Terrorism")

Article 220 ("Mass disorder")

Article 228 ("Illegal purchase, transfer, selling, storage, transportation and carrying of firearms, accessories to firearms, ammunition and explosives")

Article 233 ("Organisation of actions promoting infringement of the social order or active participation in such actions")

Article 278 ("Violent attempts to seize power")

Article 279 ("Creation of illegal armed formations or groups")

Article 281 ("Public appeals for violence directed against the state")

Article 283 ("Inciting national, racial or religious hatred")

Article 315 ("Use of violence, resistance with the use of violence against a representative of authority in connection with performance of official duties by him, or the use of

violence not dangerous to life or health concerning his close relatives, as well as threat of the use of such violence").

He could face life imprisonment.

Some conclusions

As a prisoner for his political activism and for the legitimate use of his freedom of expression, Taleh Bagrizade deserves the support of the international human rights community but he cannot be said to be now a FoRB prisoner. Although it should also be pointed out that the Islam that Imam Bagrizade preaches remains based on archaic, retrograde and patriarchal conceptions of the status of women in society. These perceptions are not shared by the regime and the Azerbaijani population, and are being combated by those fighting for gender equality in Muslim majority countries (including in Iran) as well as in EU countries, and are not in line with international standards.

ⁱ For *Human Rights Without Frontiers*, FoRB prisoners are people who are deprived of their freedom for activities protected by Art 18 of the ICCPR, Article 9 of the European Convention on Human Rights, Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and other similar international instruments were violated.

ⁱⁱ According to the UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981), Article 6, the right to freedom of thought, conscience, religion or belief includes, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

ⁱⁱⁱ Hojatiye School (Qom) was established 70 years ago by a Shia cleric. It had around 600 foreign students in 2010 and 200 professors (<http://hawzahnews.com/TextVersionDetail/233956>). Many well-known clerics have studied in this school including Ayatollah Khamenei the current Supreme Guide of Iran. Hojatiye School mainly accommodates students coming from other countries while Feyziye School is for Iranian students.

Professors of Hojatiye School are among Shia clerics that have close ties with the Iranian government. Ayatollah Sobhani is one of them. In various speeches he clarified his ideas about how a Shia society should look like. According to his teachings, for instance, 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 (having access to these channels through satellite is illegal in Iran although most people watch them). Sobhani also emphasized the important role of *Velayat-e Faghih* (Islamic government). Referring to the necessity of increasing the Iranian population, as it is the general policy that was determined by the supreme guide, he teaches that abortion is against the policy and regulations of the Islamic Republic (<http://www.asriran.com/fa/tag/>).

The General policies of the school as mentioned on its website (<http://feqh.miu.ac.ir/index.aspx?fkeyid=&siteid=19&pageid=4531>) include:

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- Clarifying and establishing the ideals of Islamic Revolution as well as Ayatollah Khomeini and Khamenei's political and religious opinions
 - Training religious scholars for other countries especially Islamic countries for researching, teaching, preaching and translating
 - supporting researching projects based on the social and cultural needs of countries

Moreover, the Graduation Office is one of the important departments of the school that it organizes and helps graduated students in their future job. This office has various responsibilities mainly: Identifying and supporting graduated students that returned to their country, organizing them and guiding them (<http://en.feqh.miu.ac.ir/index.aspx?fkeyid=&siteid=19&pageid=6845>)

This footnote was prepared by an Iranian student during her internship with *Human Rights Without Frontiers*.

^{iv} In one of his speeches Taleh Bagirzade was questioning himself angrily as follows: "Why after the ban of the Islamic headscarf do some Muslims allow their daughters to go to school without headscarf, or why should Muslim girls wear a wig during the classes?! (HRWF note: Some wear a wig above their scarf to comply both with the governmental ban and with the religious 'diktat' of their family or their community in Nardaran).

Then he gave an example from the life of Abraham to show how he protected his wife Sarah. He said "Sarah had a scarf and our prophet was protecting her from men's look. You should struggle and fight against evil people! People should understand that a scarf is not a prison for women but it is her stronghold/castle which defends her. A woman wearing a hijab protects her body, her hair and her dignity from treacherous glasses."

Then he said: "How can a normal Muslim man allow his wife/sister/daughter to watch TV shows, serials and movies?! To watch naked men?! To feel so free that she can do whatever she wants?! Allah will never forgive you because of this even you are Muslim. You should keep all your traditions. Throughout history Azerbaijani women have worn headscarves."

^v The headscarf is banned in public schools in a number of EU countries (France, Belgium...) and opponents to the ban are usually considered radical Islamists by the authorities of those countries.

^{vi} See Forum18 : http://www.forum18.org/archive.php?article_id=2205