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Azerbaijani theologian faces 12 years for allegedly spying for Iran



The prosecution's case was based on vague statements by eight people who had not witnessed any crime committed by Elsan Mustafaoglu, his lawyer says.

RFE/RL (08.12.2016) - <http://www.rferl.org/a/azerbaijani-theologian-faces-spy-charges/28163683.html> - Two years after he was first arrested, the prosecution has demanded a 12-year prison term for respected Azerbaijani Shi'ite theologian Elsan Mustafaoglu on a charge of **spying for Iran** that he says was falsified and to which he pleads not guilty.

Mustafaoglu, 41, was sent by Azerbaijan's Education Ministry to study in Iran, and defended his dissertation in 2007. In 2001, he founded the public organization Spiritual Purity, and in 2005 a research center. He also anchored a series of religious programs on various Azerbaijani TV channels. After two years studying in Norway, he returned to Baku in early 2014 and worked with the Spiritual Board of Muslims of the Caucasus. Fellow theologian Ilqar Ibrahimoglu, who heads the Center for the Defense of Freedom of Conscience and Belief, **characterized** him as "a very worthy and decent human being."

Mustafaoglu was arrested in December 2014 and remanded in pretrial custody. His lawyer, Afqan Mamedov, said when the trial opened in July 2016 that his client was accused of having been recruited by Iranian intelligence in Iran in 1992. At that time, Mustafaoglu would have been just 17. Mamedov said Mustafaoglu did not travel to Iran that year, and the prosecution had not produced any evidence that he had. Mustafaoglu was subsequently said to have received unspecified instructions from Iranian citizens who travelled to Azerbaijan for that purpose. The prosecution's case, Mamedov said, was based on vague statements by eight people who had not witnessed any crime committed by Mustafaoglu.

Both Mamedov and human rights campaigner Oqtai Gyulaliyev make the point that Mustafaoglu was detained, and the charges against him formulated, by Azerbaijan's powerful National Security Ministry. Mamedov suggests that the ministry's staffers must have been supremely confident that the prosecution would not question the details of the case, knowing the origins of the charges. Mamedov and Gyulaliyev each allege that the motivation of the ministry personnel in question was to earn a promotion by virtue of having unmasked an Iranian spy.

Serious doubts about the competence and objectivity of the National Security Ministry surfaced in the fall of 2015, when Minister Eldar Mahmudov was fired, followed by some 20 other senior personnel, on suspicion of abuse of their official positions, illegal pressure on businessmen, and other crimes. Since then, the entire ministry and its operations have been subjected to intense scrutiny, and some 50 people identified as victims of wrongdoing on the part of its staff.

Elsan Hasanov, who heads the Center for Monitoring Political Prisoners, notes that Mustafaoglu would not be the first person to face apparently fabricated and unsubstantiated charges of spying for Iran. He recalled the trial in 2007 of 15 members of a group headed by Said Dadashbeyli who were found guilty of **plotting a coup d'etat** at the behest of Tehran, and jailed for up to 14 years.

Jehovah's Witnesses appeal fines for speaking about their beliefs

JW.ORG (13.12.2016) - <http://bit.ly/2hLEaBb> - On December 2, 2016, the Goranboy District Police Department in Azerbaijan brought Ziyad Dadashov before the local court for his religious activity as one of Jehovah's Witnesses. Four men from his village testified that Mr. Dadashov had spoken of his beliefs and offered Bible literature. Judge Shirzad Huseynov of the Goranboy District Court declared him guilty of illegal religious activity * and fined him 1,500 manat (\$846 U.S.). Mr. Dadashov does not believe that he should be punished and will appeal the decision.

In the same region, Jaarey Suleymanova and Gulnaz Israfilova visited a woman who had enjoyed their Bible discussions for many months. Subsequently, the Goranboy District Police Department charged the two Witness women with religious activity "outside of the registered legal address," and on November 17, 2016, Judge Ismayil Abdurahmanli of the Goranboy District Court fined both of them 2,000 manat (\$1,128 U.S.). They are appealing the fines.

International human rights lawyer Jason Wise notes: "The discrimination against Jehovah's Witnesses in Azerbaijan shows a lack of respect for the European Convention. The actions of the authorities in the Goranboy District are out of harmony with the standards of freedom of religious beliefs that the country claims to promote."

Azerbaijani Christians fined over 'illegal' prayer meeting

World Watch Monitor (13.12.2016) - <http://bit.ly/2gKckUC> -

UPDATE (13 Dec.)

Two Azerbaijani church leaders have been fined 1,500 Azerbaijani Manats (\$850) each for holding an "illegal" prayer meeting.

All 30 attendees were initially arrested when a dozen policemen interrupted the meeting on the morning of 27 November at the house of Gamid and Ginayat Shabanov in Aliabad, a village in the south of the country.

Following their arrests, 24 four of them were told they would be fined, but World Watch Monitor understands that only the two leaders, Gamid Shabanov and Mehman Agamemedov, received fined. Agamemedov told a World Watch Monitor source that he and Shabanov were summoned to a court hearing yesterday afternoon (12 Dec.), when they were both fined and warned not to hold any further meetings unless they first sought official registration and permission.

Original article (12 Dec.)

Twenty-four Azerbaijani Christians have been told they will be fined at least 1,500 Azerbaijani Manats (\$850) each for participating in an "illegal" prayer meeting at a church leader's home.

All 30 attendees were initially arrested when a dozen policemen interrupted the meeting on the morning of 27 November at the house of Gamid and Ginayat Shabanov in Aliabad, a village in the south of the country.

The 30 Christians were each questioned and had their names and passport details logged. Police also took an inventory of all Christian literature in the house.

Twenty-six of them were then taken to the police station. Twenty-two were released later that evening, but four were detained overnight, including the Shabanovs and another church leader, Mehman Agamemedov.

They were released the following day, but warned not to hold another meeting, and 24 of them were told they would be fined.

"Each of you may pray in your own house, but meetings are forbidden, otherwise you will be arrested again – with more serious consequences than a fine," the police told them, according to a World Watch Monitor source.

Their arrests were reported on national television, although they were not identified specifically as "Christians", but instead said to have been arrested "for illegal religious activities" and "spreading illegal religious doctrines".

"It sounds like we are some kind of sect!" Agamemedov told the WWM source.

Religious meetings in private homes are prohibited under Azerbaijani law, which states that only registered religious organisations can hold prayer or worship meetings

The potential punishment for "illegal religious activity" is a fine for a first offence and a prison term for repeat offenders.

Background

When Azerbaijan hosted the European Games last year, Amnesty International said its authorities "would certainly be on the medal winning podium if prizes were on offer for the number of activists and rights defenders behind bars".

Azerbaijan is ranked No. 34 on Open Doors' 2016 World Watch List, which ranks the 50 countries in which it is most difficult to be a Christian. Although the constitution is relatively flexible towards Christians, frequent amendments and subjective interpretations of the law cause problems.

Registered churches are subjected to regular and obligatory re-registration, and each time fewer churches register, choosing instead to go underground.

The regime is very protective of its reputation, often inviting foreign officials and human rights organisations, but foreigners are not allowed to visit unregistered churches.

Hefty fines are handed out for possession of religious literature or unregistered activities. Infiltration of churches and short prison sentences are also used to fuel suspicions and infighting.

"The government has a negative attitude towards any form of religious fanaticism," according to Open Doors. "This also applies to the attitude towards Christians. Official checks are becoming increasingly strict. The government has become more active in controlling religion."

Open Doors International estimates there were 6,000 Christians in Azerbaijan in 1997, and that this number had "at least tripled" by 2014.

However, it adds, "it is a constant challenge for pastors to endure the efforts by authorities to undermine their work".

'Cameras in mosques will not help against radical Islam'

HRWF (21.11.2016) – Mosques in Azerbaijan will have cameras installed so that religious services will be available for viewers through Skype. This was officially announced through the Azerbaijani Press Agency's Caucasian Muslims Office. Preparations for the installation of this new system has already begun.

After the installation of this new system, anyone will be able to log into the cameras of any mosque through their online Skype account and view the service. People who do not have the ability to attend the service in person will be able to view from their home or any other place. Right now, all major mosques in Azerbaijan have already integrated this system into their worship and cameras are currently installed and functioning in these facilities.

The State Committee Chairman, Mubariz Gurbanli, who works with religious organizations, has told the press that they are also in support of this idea and that similar systems are already being used in other countries.

Meanwhile, this idea has also appealed to those of the Russian province of Ingushetia who are interested in installing this system within their own region. Their reasoning for installing these web cameras however is to protect the leaders of the Muslim mosques from false allegations regarding what they may be teaching their congregations, such as extremism or terrorism.

The head of state in Ingushetia, Unus-bek Evkurov, proposed the installation of web cameras in mosques in order to protect imams from false accusations and to create transparency within their meetings and activities. "We can archive the recordings of all religious meetings which will create a good defence against all false accusations directed towards imams."

In March 2016, the idea of installing web cameras in all the mosques of Azerbaijan was first brought forward for discussion and questions were raised: But would this not violate the rights of religious believers?; Could this not cause critics fighting for the cause of human rights to attack Azerbaijan for making this decision?; Would cameras even be able to help prevent the rise of terrorist activities in Azerbaijan?

Novella Dzhafarova, a lawyer in Azerbaijan, said about this new system that, "[o]nline Prayers cannot be viewed as a violation of human rights. In governmental and community buildings, there exist many cameras which the citizens are not opposed to. I believe that Muslim believers will accept this new system. "

An expert has said that the beginnings of terrorist activities do not usually take place in the mosque but outside. "The reason why the government of the Republic of Azerbaijan wants to install this system is that the faithful who cannot attend meetings will be able to understand the essence of correct teachings in the Quran."

A doctor of philosophical science, Rafik Aliev, stated that the decision of the Caucasian Muslim Office violates the rights of Muslim believers. "On one side, it is a good idea. Muslim believers who are unable to attend the sermons because of work or any other reason, will have that opportunity to do so through the online system. But in everything else, I see nothing good from this. A person who is coming to the mosque, wants to be face to face with God and pray without the feeling there is a third party involved. The other believers in the mosque do not disturb that connection you are experiencing with God because within the mosque, you are not allowed to speak. Many believers will feel uncomfortable with even the thought that someone may be watching them. This is why the spiritual connection will not be possible for everyone who might attend if they think this spiritual situation is not a private one. Azerbaijan is often under criticism from Western countries for violation of religious rights. I think that this decision of the Caucasian Muslim Office regarding the installation of web cameras for listening to the services online using Skype, will not go unnoticed in Western Europe and many accusation will be directed towards us."

According to Rafik Aliev, the online broadcasting of the services will not dissuade radical Islam in the country. "It is naive to think that online broadcasting of services will prevent the campaigning of terrorist organizations promoting extremist activities. Radical citizens will not speak of their plans under the watch of cameras so, logically, they will choose some other place to discuss these matters. They would most likely rent some kind of apartment for this use. Online broadcasting of Islamic services will in no way reduce radical Islam within Azerbaijan. This system will have an opposite effect among the religious community. Instead of helping to combat extremism, a negative view will be created among the believers."

Source: <http://ru.echo.az/?p=45877>

This article was translated by Scott and Olga Allen for *Human Rights Without Frontiers*

Raids, fines enforce state religious censorship

By Felix Corley

Forum 18 (16.11.2016) - <http://bit.ly/2f1Ogh0> - Police and officials of the State Committee for Work with Religious Organisations have raided at least 26 shops and six homes in October and early November across Azerbaijan to seize religious literature being distributed without the compulsory state permission. Some book sellers have already been punished. All the literature seized from shops appears to have been Muslim.

Not one State Committee official in Baku or in branches around the country, police officer or court would discuss these raids, literature seizures or punishments with Forum 18.

The "Expertise" Department at the State Committee in Baku – which implements the state censorship – told Forum 18 on 16 November its head Nahid Mammadov was out of

the office and no-one else could speak for the department. Asked about the many raids, the man simply said that everything done was "in the law". The man who answered the phone of State Committee official Aliheydar Zulfuqarov – who participated in raids on shops in the southern town of Masalli (see below) – put the phone down when Forum 18 introduced itself. The State Committee press office told Forum 18 its head, Yaqt Aliyeva, was away until 18 November and no-one else could speak to the press.

Local officials of the State Committee where shops and homes were raided – in Lankaran, Masalli, Baku and Quba (which covers Khachmaz) – refused to answer any of Forum 18's questions.

Complete religious literature censorship

Religious literature and other materials can be sold or distributed only at specialised outlets which have been approved both by the State Committee and the local administration.

In addition, all religious literature produced in, published in (including on the internet) or imported into Azerbaijan is subject to prior compulsory censorship. When the State Committee does give permission to publish or import a work it also specifies how many copies can be produced or imported. All religious materials sold must have a sticker noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship.

The stickers from the State Committee cost religious communities or bookshop owners 0.02 Manats each. However, acquiring them can be difficult. Jehovah's Witnesses complained that between April and the end of October, the State Committee told them that it had run out of stickers. This meant that even publications the State Committee had given Jehovah's Witnesses permission to import could not be distributed without fear of punishment.

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

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

Police often seize these works in raids on homes.

In a 23 August 2016 interview with the Trend news agency and reposted on the State Committee website, Mammadov of the State Committee's "Expertise" Department noted that his Committee regularly provides the Customs Service and the Police with lists of religious books it has banned.

Mammadov added that no publishing house would print religious literature without State Committee approval because owners of such firms know the seriousness of the punishments for those who violate the law.

Punishments

Those who violate the state censorship of all religious literature face punishment. Prosecutors can bring cases under both the Criminal Code and Administrative Code.

Criminal Code Article 167-2 punishes: "Production, sale and distribution of religious literature (paper and electronic formats), audio and video materials, religious items and

other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation".

Punishments under Criminal Code Article 167-2 for first time offenders acting alone 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.

Each 1,000 Manats is equivalent to 5,000 Norwegian Kroner, 540 Euros or 580 US Dollars.

Administrative Code Article 516.0.2 punishes "Selling religious literature (printed or on electronic devices) audio and video materials, religious merchandise and products, or other religious informational materials, authorised for sale in an order established by the Law on Freedom of Religion of the Azerbaijan Republic, outside specialised sale outlets established with the consent of the relevant executive authority [State Committee and local administration]".

Punishment under Article 516.0.2 entails confiscation of the literature, merchandise and products or other materials concerned. Additional punishments under Article 516 are: for individuals fines of between 2,000 and 2,500 Manats; for officials fines of between 8,000 and 9,000 Manats; for organisations fines of between 20,000 and 25,000 Manats; and for foreigners and stateless persons fines of between 2,000 and 2,500 Manats with deportation from Azerbaijan.

UN concern

The United Nations Human Rights Committee expressed concern about Azerbaijan's "censorship of religious material and prior authorization requirement for importing, exporting, distributing and publishing such material".

The Committee also expressed concern about a wide range of other restrictions on exercising the right to freedom of religion or belief in its concluding observations to its review of Azerbaijan's record under the International Covenant on Civil and Political Rights, made public on 4 November (CCPR/C/AZE/CO/4). The Committee called on Azerbaijan to change the law to prevent such abuses.

Baku raids

Police and State Committee officials raided five shops in the Sadarak shopping centre in Baku's Qaradag District, the Interior Ministry noted on its website on 20 October. Officers and officials seized 287 books and seven discs, none of which had the required stickers from the State Committee to show that they had undergone the compulsory state censorship of religious literature.

Cases under Administrative Code Article 516.0.2 were drawn up against owners of the shops.

Also in Qaradag District, officers from the 10th Police Station raided homes of four residents of Lokbatan, Qandaf Huseynova, Parikhan Ibrahimova, Ilkin Ibrahimov and his brother Samir Ibrahimov. Officers seized 56 religious books which allegedly had no approval from the State Committee for distribution in Azerbaijan, the Interior Ministry noted on its website on 22 October.

In a further raid in Qaradag District also noted by the Interior Ministry on 22 October, officers from the 38th Police Station raided a home in Sahil, a settlement along the

Caspian coast south-west of Baku. Officers seized 159 religious books and 9 magazines from a Georgian citizen, Rizvan Hamidov.

Police and State Committee officials raided six shops selling religious materials in Baku's Yasamal District on 26 October, the State Committee noted the same day. The State Committee said four of the shops did not have its permission to sell religious materials. Police seized copies of 16 different religious publications which were being sold without permission.

The owner of one of the shops, Zohrab Bagirov, as well as a vendor named Samir Karimov, were interviewed and shown in television reports on the raids that evening.

Police and officials of the State Committee raided nine further shops selling religious literature in Nasimi, Nizami, Sabunchu, Khatai and Surakhani Districts of Baku, the State Committee announced on 3 November. Eight of the nine shops were not specialised shops selling religious literature. Officers and officials seized 421 different items of religious literature, 13 DVDs and 5 CDs being sold in venues not licensed by the State Committee and the local administration and without the required State Committee stickers.

Baku punishments

Although the Interior Ministry noted that cases were being brought under Administrative Code Article 516.0.2 only following the raids on the five shops in the Sadarak shopping centre, investigations were said to be underway in all the other cases.

Two individuals are known to have been fined in Baku's Yasamal District Court since early November under Administrative Code Article 516.0.2.

Judge Akshin Afandiyev fined Ismayil Huseynov on 4 November, according to court records. However, the Judge's assistant refused to tell Forum 18 on 15 November what fine he had imposed on Huseynov.

Judge Ramin Qurbanov fined Gulverdi Gulverdiyev 2,000 Manats on 10 November, his assistant told Forum 18 on 14 November. The assistant would not say for what literature the Judge had fined Gulverdiyev, nor whether he had appealed against the punishment.

Raids in the north

In the northern town of Khachmaz [Xacmaz], Police officers raided a stall at the market run by Hicran Talibova. Officers seized 97 religious books which they claim were being sold without the required state permission, the Interior Ministry website noted on 27 October.

Officials at Khachmaz District Court refused to tell Forum 18 on 16 November if any case against Talibova has been brought to court and, if so, what the result was.

On 3 November, Sheki [Säki] District Police raided the home of Yashar Aliyev in Turan, a village 50 kms (30 miles) from Sheki in northern Azerbaijan, the Interior Ministry noted on its website the following day. Officers seized 28 printed items of religious literature and two discs, claiming that the items did not have the required permission from the State Committee.

Aliyev had been punished earlier for having religious books, the Interior Ministry noted. During a police raid on his home in March 2012, officers seized religious literature. The books seized were mainly by the late Turkish Muslim theologian Said Nursi.

On 11 November 2016, Judge Kamran Suleymanov of Sheki District Court sentenced a Yashar Aliyev to 15 days' imprisonment under Administrative Code Article 510 ("Hooliganism") and Article 535.1 ("Willful refusal to obey the lawful demand of a law-enforcement officer"), according to court records. [Article 535.1 in March 2016 replaced the old Article 310.1] A court official told Forum 18 on 16 November that this Aliyev was from Turan, but was unable to say if he was the same person as the man whose home was raided on 3 November.

Raids in the south

State Committee, Police and State Security Service (SSS) secret police officers conducted high-profile raids on two shops in the southern town of Masalli, news agencies noted on 10 November. The raids were led by the Masalli representative of the State Committee, Miryahya Badirov, and a State Committee official from Baku, Aliheydar Zulfuqarov.

In one of the shops, Zahra, officials seized four books and six DVDs. In the other unidentified shop, officials seized 55 books, claiming that the shop was selling religious literature without the required State Committee licence.

Masalli's Zahra religious goods shop – on the town's main street, Heydar Aliyev Avenue – is one of only 17 listed on the State Committee website as a "specialised religious goods shop". It lists the owner as Namiq Bayramov.

Accompanying the officials and officers were camera crews from several news outlets, including ARB Cenub regional television station and APA news agency. They broadcast or posted videos online of the raids that evening. The footage shows Badirov inspecting books, books piled up on a desk in one of the shops while two police officers note down titles.

The man who answered Badirov's phone on 15 November denied to Forum 18 that it was Badirov. His colleague in the office told Forum 18 the same day that he had not been present during the raids and only Badirov could explain why they had been conducted.

On 11 November, Police and State Committee officials raided three shops selling religious literature in Lankaran in the far south of Azerbaijan close to the border with Iran, The State Committee noted on its site on 11 November. None of the three shops had the required permission from the State Committee or the local administration to sell religious literature. Officials seized 93 publications which did not have permission from the State Committee.

Police prepared records of an offence against two of the shop owners. The third was given a verbal warning. "Preventive" conversations were held with all three.

US-based Turkish imam's books banned

Mammadov of the State Committee also noted in his 23 August interview that books by the US-based Turkish imam Fethullah Gulen had been banned for import into Azerbaijan before the Religion Law was amended in 2009. He claimed that their import "is not appropriate" as they proclaim the superiority of members of Gulen's movement over non-members.

The Turkish government has accused Gulen of leading a movement called Hizmet (Service) and organising the failed coup in July 2016. The Azerbaijani government has since moved against alleged Gulen supporters.

Mammadov also claimed that the State Committee had banned other religious literature for inciting religious enmity or hatred, or proclaiming members of one religion superior to

others. He claimed that among such banned works were Jehovah's Witness, Baptist, Seventh-day Adventist, Shia Muslim and Hare Krishna publications, as well as works by Said Nursi. He did not identify any specific publications which allegedly violated the law.

In May 2014 the State Committee told a Baku-based Sunni Muslim that Nursi's "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)".

"Illegal" religious literature accusations in political cases

Police and SSS secret police also use the possession or alleged possession of "illegal" religious literature as an excuse to bring charges in political cases. Following the mid-August arrests in Baku of Fuad Ahmadli, head of the Youth Wing of the Popular Front Party in Khatai District, and Faiq Amirov, and aide to the head of the party, officers claim to have found in their possession books and recordings by Gulen.

Ahmadli's lawyer Asabali Mustafayev said that the books allegedly confiscated from his client were sent for an "expert analysis" in early November. He said the list included more than ten books, including works by Gulen and Nursi. "Usually an individual would not read books by both authors," Mustafayev told Forum 18 from Baku on 15 November. He complained that officials would not give him a copy of the list, allowing him only to look at it briefly.

Human rights defenders told Forum 18 from Baku that Amirov declares himself an atheist and that police planted three Gulen books and eight discs in the boot of his car.

Mustafayev told Forum 18 that cases against five further individuals arrested in Baku's Qaradaq District on 23 and 24 October for alleged "illegal" religious literature have been combined with the cases against Ahmadli and Amirov.

Azerbaijan establishes new penalties for religious extremism

Caucasian Knot (28.10.2016) - <http://bit.ly/2e1r0zb> - The National Assembly of Azerbaijan has introduced the amendments to the Criminal Code of the country, establishing new types of responsibility for religious extremism and violation of the Law "On freedom of religion".

The "Caucasian Knot" has reported that in September, the President of Azerbaijan proposed to toughen the penalty for anti-state crimes. In particular, the Parliament was offered to complement the Criminal Code with new Article 278.2. It provides penalties for actions aimed at violent change of the constitutional order, seizure of power, as well as violation of the territorial integrity of the country on the grounds of religious hatred, radicalism, and fanaticism. According to the draft law, such acts entail a penalty of 15-20 years of imprisonment or life imprisonment.

The amendments to the Criminal Code of Azerbaijan were adopted by the Parliament at plenary session of October 28.

According to Ali Guseinli, the chairman of the Parliamentary Committee on Legal Policy and State Building, the innovations are associated with the increase in concern in the community about the threat of religious extremism.

In his turn, while commenting on the amendments to the Criminal Code of Azerbaijan, Elshan Gasanov, the chief of the Centre for Monitoring Political Prisoners, has expressed concern that the innovations could be used to persecute differently-minded believers.

34 fines for "illegal" religious meeting

By Felix Corley

Forum 18 (6.10.2016) - <http://bit.ly/2fikq7I> - *34 attendees at an "illegal" home meeting for worship on the most sacred annual observance for Jehovah's Witnesses were fined nearly a year's official minimum wage. The leader of a Sunni mosque in Baku forcibly closed in July has failed to overturn his fine.*

In mid-September the final seven of 34 Jehovah's Witnesses lost their appeals against fines of more than three months' average wages each. The 34 were punished for participating in a 23 March meeting for worship in a home in the north-western town of Gakh [Qax] which the authorities claim was "illegal". Similarly, on 23 September the leader of a Sunni mosque in the capital Baku failed in his attempt to overturn a similar fine for leading an "illegal" religious community. The authorities forcibly closed down the mosque as "illegal" in July.

The 34 Jehovah's Witnesses were punished for attending a meeting for worship commemorating the Memorial of Christ's death, the most sacred annual observance for Jehovah's Witnesses. Police raided and halted the observance (see below).

Of the 35 individuals, 34 were each fined 1,500 Manats (15,400 Norwegian Kroner, 830 Euros or 1,900 US Dollars). This is more than eleven times the minimum monthly wage, or three months' average wages for those in formal work. However, many of those fined are without formal work and for them the fines represent even more of a punishment, Forum 18 notes. The other individual was fined 1,800 Manats.

The Sunni Omar bin Khattab Mosque in Qobustan in southern Baku, forcibly closed in July, was built on the Simirov family's private land and had functioned since 1990. The family have gone to court to try to protect the Mosque and plot of land from possible seizure (see below).

The enforced closure is part of what appears to be the state's determination to close Sunni mosques across the country. The closure came just days after the state forcibly closed the Lezgin Mosque in Baku's Old City on the excuse that "repairs" were needed. Earlier in July, a Sunni Mosque in a village in the northern Quba Region was ordered to close for all activity except Friday prayers. A privately-built Sunni home mosque which had functioned for 20 years was closed in January in the town of Shirvan, south-west of Baku.

Controls in defiance of international human rights commitments

In defiance of its international human rights obligations, Azerbaijan insists that exercising freedom of religion or belief without permission from the State Committee for Work with Religious Organisations is illegal. Those who violate these strict controls – including by meeting for worship in homes or talking to others of their faith – are punished.

Alongside this insistence that state permission is required, the State Committee refuses to process registration applications from many religious communities seeking legal status. Many communities which applied in 2009 - when the Religion Law was amended

and mandatory re-registration was again imposed – are still waiting for the State Committee to process these applications.

International human rights bodies have repeatedly called on Azerbaijan to revoke these restrictions. On 26 April the United Nations Human Rights Committee prepared questions to Azerbaijan ahead of the consideration of its record under the International Covenant on Civil and Political Rights (ICCPR) on 20 and 21 October in Geneva (CCPR/C/AZE/Q/4).

The Committee asked Azerbaijan to "indicate any steps taken towards abolishing the requirement of registration for religious communities. Please also describe any measures taken to amend the 2009 religion law with a view to bringing it into full compliance with the Covenant." It also asked if the government has taken any steps to abolish the requirement that all Muslim communities be subject to the state-backed Caucasian Muslim Board.

The government submitted its response to the Human Rights Committee on 14 July and it was made public on 9 August (CCPR/C/AZE/Q/4/Add.1). The government response failed to address these questions. It merely claimed that "the registration procedure is very simple" and blamed religious communities themselves when the State Committee failed to process their applications.

The government insisted to the Human Rights Committee that Muslim communities must be subject to the Muslim Board because the law demands it. It did not explain why the law prevents Muslims from forming communities as they might like.

Gakh: Religious meeting raided

On 23 March, police officers in Gakh raided the home of Givi Khusishvili. They abruptly stopped the observance of the Memorial of Christ's death. Police officers showed what purported to be a court order authorising their search and confiscated personal copies of religious publications, including Bibles.

Officers then took all the attendees to the local police station, interrogated them, and ordered them to write statements. Police drew up records of an "offence" under the Administrative Code against six of the men present. All were released soon after 9 pm.

A 23 March statement on the Interior Ministry website claimed that Khusishvili had violated the procedure for organising and holding religious meetings. It claimed the meeting had therefore been "prohibited by law". It said that of the 56 people present, more than 44 were local, while 9 were from Zakatala [Zaqatala], the region north of Gakh. Five were from Baku. The Interior Ministry said the 19 DVDs, two videos and 219 items of religious literature seized during the search had not been approved by the State Committee.

Gakh: Police protests overturn acquittals

In early May, Police opened cases against 34 attendees under Administrative Code Article 515.0.4. This punishes "A religious association operating outside of its registered legal address" with a fine for individuals of 1,500 to 2,000 Manats. Cases against 27 were opened by Gakh Police and against seven by Zakatala Police.

Masim Adigozelov and Sahaddin Hasanov, two of the officers of Zakatala Police, refused to explain to Forum 18 on 5 October why they had opened the administrative cases against the Jehovah's Witnesses. Both put the phone down without responding to any questions.

Cases against 27 attendees from Gakh were handed to Gakh District Court. However, the Court's Judge Atabay Kichibayov dismissed all the cases for lack of an "offence". Ten of them were heard and dismissed on 24 May, the remaining 17 on 27 May.

Gakh District Police appealed against the May acquittals of the 27 attendees to Sheki Appeal Court. Between 28 July and 1 August, various Judges at Sheki Court of Appeal reversed the acquittals. The Court imposed convictions and fines of 1,500 Manats on 26 of the attendees, according to court records. Khusishvili, the home owner, was fined 1,800 Manats.

Gakh: Seven further fines, upheld on appeal

In early May, cases against the other seven were handed to Zakatala District Court, the home region of those individuals. However, in early June the Court handed these cases to Gakh District Court.

Following the reversals of the acquittals and the punishments handed down to 27 attendees, Judge Kichibayov then considered the cases of the other seven, handed on from Zakatala District Court. On 4 August he found the seven – including Gulbahar Guliyeva, Konul Guliyeva, Yevdokia Sobko, Matanat Qurbanova and Vaqif Aliyev – guilty under Administrative Code Article 515.0.4. He fined each of the seven 1,500 Manats, according to the subsequent Appeal Court verdicts seen by Forum 18.

A court official told Forum 18 from Gakh on 5 October that Judge Kichibayov was not in the court building. She confirmed that he had fined the seven Jehovah's Witnesses but refused to say why they had been punished for exercising their freedom of religion or belief. She then put the phone down.

All seven appealed to Sheki Appeal Court. At separate hearings under various Judges on 14 and 16 September, the attendees insisted that their right to meet with others for religious purposes is defended by the European Convention on Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights (ICCPR). However, the Judges dismissed their appeals, according to the decisions seen by Forum 18.

The man who answered the phone of Mehman Ismayilov, regional representative of the State Committee in Zakatala, refused to answer any of Forum 18's questions on 5 October.

Gakh: Acquittals in other cases

The same Judge Kichibayov at Gakh District Court who had initially acquitted the 27 Jehovah's Witnesses in May has also dismissed other cases against individuals accused of violating the strict controls on freedom of religion or belief.

On 11 April police in Gakh detained Jehovah's Witnesses Gulara Huseynova and Rasmiyya Karimova for allegedly distributing religious publications. Jehovah's Witnesses insisted to Forum 18 that at the time the two women were simply walking on the street. The officers seized religious publications from their bags and took them to Gakh District Police Station. Later, the police charged both women under the Administrative Code. At a hearing on 12 May, Gakh District Court Judge Kichibayov acquitted both women.

On 15 May, Jehovah's Witnesses Rahim Karimov and Luka Khusishvili talked to a man about the Bible for approximately 15 minutes in a market in Gakh. They had spoken to the man previously, Jehovah's Witnesses told Forum 18. After the two Jehovah's Witnesses said goodbye, police detained them and took them to Gakh District Police

Station. They later charged the men under Administrative Code Article 515.0.4. On 9 June, Gakh District Court Judge Kichibayov acquitted the two.

Fine threats

Police who detain individuals for speaking to others on the street about their faith – or who appear to be preparing to do so – often threaten them with prosecution under Administrative Code Article 515 and fines of 1,500 Manats or more.

On 22 April police in Baku detained Jehovah's Witnesses Khayala Jafarova and Jaarey Suleymanova for talking to their neighbours about their faith. Officers took them to the 35th Police Station. The women were interrogated, ordered to write statements and to sign protocols. Police confiscated all their religious literature, including the Bible. One officer threatened that they would be charged under Administrative Code Article 515 and fined 1,500 Manats. They were released and ordered to return the next day. "The next day, the women were subjected to further verbal abuse and offered release if they would renounce their religion," Jehovah's Witnesses complained to Forum 18.

On 24 July police in Baku detained Gulgaz Novruzova and Rakhila Shukurova "for speaking to people about the Bible in a public park", Jehovah's Witnesses told Forum 18. Officers took them to Khatai District Police Station. "The women were asked why they did not read the Koran and officers sneered at the name Jehovah." An Officer named Sadig threatened to fine the women 1,500 Manats. The women were ordered to write statements before being released.

On 4 August, Jamila Gurbanova and three other female Jehovah's Witnesses planned to go from Barda to Yevlakh in central Azerbaijan to share their beliefs. On the bus, they decided to speak with other passengers about their faith and gave out several pieces of literature. One of the passengers was a State Committee official, who phoned the police. Officers took Gurbanova and the State Committee official to the police station. Officers asked Gurbanova why she preaches Christianity instead of the Koran. They confiscated her religious literature, even though it had the required stickers from the State Committee. Officers threatened to have Gurbanova fined under Administrative Code Article 515.0.4. She was released that evening, having written a statement.

All religious literature produced in, published in or imported into Azerbaijan is subject to prior compulsory censorship. In addition, it can only be sold or distributed in places approved by the State Committee. All religious materials sold must have a sticker noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship.

Baku mosque leader's fine upheld

On the afternoon of 23 September, Judge Vuqar Mammadov of Baku Appeal Court upheld the fine on Ahmad Simirov, according to court records. Simirov was leader of a Sunni Muslim Mosque on private land in Qobustan on the southern edge of Baku.

Omar bin Khattab mosque was forcibly closed by the Police, State Security Service (SSS) secret police, Qaradag District administration officials and Anar Kazimov, Baku representative of the State Committee for Work with Religious Organisations.

Simirov had appealed against a fine of 1,500 Manats under Administrative Code Article 515.0.1, handed down by Qaradag District Court on 11 August.

Administrative Code Article 515.0.1 punishes "A religious association's leader evading registration of the association with the relevant executive authority [State Committee]" with a fine for individuals of 1,500 to 2,000 Manats.

"I told the appeal hearing that I have no job, and that I can be imam of a mosque on my own property," Simirov told Forum 18 from Qobustan on 6 October. "They told me I couldn't, even if it's my property."

Simirov said it was "pointless" for him to appeal further against the fine through the Azerbaijani court system. But he added that he might bring a case to the European Court of Human Rights in Strasbourg. In the meantime, he said he would have to pay the fine in instalments. "Otherwise they'll seize my property, sell it and take the money from that."

Family goes to court to protect Mosque and land from seizure

The Simirov family have brought a suit to court to try to prevent any seizure of the Mosque and land in Qobustan. The suit has been lodged against the head of Qaradag District Administration, the Caucasian Muslim Board and the State Committee. "They closed our Mosque and demand that we hand the Mosque over to them," Simirov told Forum 18. "We are seeking to prove that this is our property, that my father Uzeyir Simirov built the Mosque on his own property."

The first hearing in the case took place on 4 October under Judge Tahira Asadova at Baku's Administrative-Economic Court No. 1. The case is due to resume in late October, Simirov added.

Police, officials close Sunni home mosques

By Corley Felix

Forum 18 (20.9.2016) - <http://bit.ly/2eIQUHp> - *Police, SSS secret police, State Committee for Work with Religious Organisations and local administration officials forcibly closed a home Sunni mosque in Qobustan near Baku, the latest Sunni Mosque closed. The mosque leader is appealing against a large fine for leading an unregistered community.*

Police and State Security Service (SSS) secret police forcibly closed another Sunni Muslim mosque on orders from the State Committee for Work with Religious Organisations. Three cars with masked and armed officers waited outside Qobustan's Omar bin Khattab mosque on the southern edge of Azerbaijan's capital Baku on 29 July to ensure the community abided by the order. "The closure was unjust on the part of the state," the mosque community leader, Ahmad Simirov, told Forum 18. He was fined more than three months' average wages in mid-August for leading a religious community which does not have state permission to operate. His appeal is due to be heard at Baku Appeal Court on 23 September.

A privately-built Sunni home mosque which had functioned for 20 years was closed in January in the town of Shirvan, south-west of Baku. The State Committee for Work with Religious Organisations arbitrarily denied state registration to the Mosque community – which first gained Justice Ministry registration in 1995 (see below).

On 6 September, the State Committee presented a new registration certificate to a Shia Muslim "community" for the Rahima Hanum Mosque in the village of Nardaran near Baku. It appears the state created the community to replace the previous community (see below). The mosque was one of several in the village forcibly closed by the authorities following a mass armed assault in November 2015. Imam Nuhbala Rahimov of the closed

Rahima Hanum Mosque was given an 18-month prison term on 27 May, apparently without a trial.

Meanwhile, after various attempts over more than 20 years, the State Committee finally registered a Bible Society in September. But this has not solved an overarching problem, affecting more than just this organisation, that the Old Testament or Hebrew Bible used by Christians and Jews is banned and confiscated in police raids. Also, the Bible Society will have to subject all its publications to the State Committee for the compulsory prior censorship of all literature about religion produced in or imported into Azerbaijan. Its publications will only be allowed to be distributed – like all other literature on religion – at state-approved venues (see below).

Sunni mosques targeted for closure

State authorities have consistently closed Sunni Muslim mosques across Azerbaijan in recent years. The enforced closure of Qobustan's Omar bin Khattab mosque came just days after the state forcibly closed the Lezgin Mosque in Baku's Old City. The Mosque was closed on the excuse that "repairs" were needed. Earlier in July, a Sunni Mosque in a village in the northern Quba Region was ordered to close for all activity except Friday prayers.

A Shia Mosque in Baku's Old City was also ordered closed for "repairs" at the same time as the Lezgin Mosque. However, it was not closed and continues to function, one Baku resident told Forum 18.

Restrictions, punishments

While all religious communities are under tight state control, extra restrictions are imposed on Muslim communities. The government insists that all mosques must be subject to the state-backed Caucasian Muslim Board, which also must name all mosque prayer leaders. The law allows only Azerbaijani citizens who have gained their religious education in Azerbaijan from leading prayers.

Punishments for those who defy the harsh state restrictions are constantly being increased. Proposed further new Administrative Code and Criminal Code punishments for exercising the right to freedom of religion or belief reached the Milli Mejlis (Parliament) in early September.

Qobustan: Sunni Mosque stripped of legal status

The Omar bin Khattab mosque was built by the Simirov family on their plot of land in Qobustan in 1990. It is large enough for up to about 500 people to pray inside, while those who could not fit in often prayed in the garden surrounding the mosque. It followed Sunni rituals and practice. Unlike other mosques, it was open about the money it collected in donations at Friday prayers, listing the amounts on its website. The weekly donation in 2016 ranged between 166 and 438 Manats.

The mosque had state registration with the Justice Ministry in 1994 and gained re-registration in 2002 when the State Committee for Work with Religious Organisations was created. It failed to gain re-registration following the harsher 2009 Religion Law. The State Committee stripped the mosque community of registration on 20 February 2015 "using a trick", Simirov complained to Forum 18. "They told us we would have to lodge a new registration application. So the community was dissolved, but they didn't then register us again."

Of the many religious communities which were arbitrarily denied re-registration in 2009 – including Muslims, Christians and Jehovah's Witnesses – State Committee officials

proposed to many to liquidate themselves and apply for registration anew. Most refused to do so, fearing the tenuous registration they still had from 2002 would then be lost. Following the February 2015 dissolution of its legal status, officials repeatedly told members of the Omar bin Khattab mosque to stop meeting for worship until it had joined the state-backed Muslim Board and gained State Committee registration.

Qobustan: Officials close mosque

Officers of the 11th Police Station of Baku's Qaradag District, together with SSS secret police officers and officials of Qaradag District Administration, arrived at the Simirov family compound at about lunchtime on 29 July, community members told Forum 18. They arrived shortly before Friday prayers were due to begin. The raid was led by Anar Kazimov, the Baku representative of the State Committee.

Accompanying Kazimov and the police and SSS secret police officers were two officials from the state-backed Caucasian Muslim Board. One of these was Rafadar (last name unknown). He is known for his involvement in the enforced closure of other Sunni Muslim mosques, community members told Forum 18.

"The order to close the Mosque came from Mubariz Qurbanli [State Committee Chair]," Simirov told Forum 18.

Kazimov initially stood at the door of the mosque and tried to prevent anyone from entering, mosque members told Forum 18. Police officers insisted to him that he had to tell community members that the mosque was being closed as the State Committee had taken the decision, not the police. However, as thousands of Muslims had gathered for Friday prayers Kazimov became frightened and took refuge in the 11th Police Station.

Community members asked to be allowed to hold Friday prayers for the last time there, and prayers then went ahead.

Police summoned Simirov and the community's lawyer to the police station. There officers warned that if Simirov did not clear the mosque of people and close it, they would destroy the building and everything inside it, Simirov told Forum 18.

Simirov and the lawyer then returned to the mosque. Although Friday prayers had finished by then, community members had remained to defend their place of worship. The community discussed whether to accede to the state's demands to close their mosque. Simirov noted that the community was insistent that as Sunni Muslims they did not interfere in politics. However, community members recognised that police and SSS secret police officers were waiting outside with truncheons, ready to move in, and would enforce the closure anyway. The community reluctantly decided to close the mosque that evening.

As the community were discussing their response to the closure order, three vehicles full of masked and armed officers waited nearby ready to move in, community members told Forum 18.

The man who answered the mobile phone of State Committee Baku representative Kazimov repeatedly refused to talk to Forum 18. The man who answered the main phone number there told Forum 18 on 20 September that Kazimov no longer works there and put the phone down.

Shamama Agamuradova, senior advisor at Qaradag Administration's Information Department, promised on 20 September to find out why the Mosque had been closed down and the community banned from meeting. However, when Forum 18 called back

later as agreed, she claimed she could not hear and put the phone down. Subsequent calls went unanswered.

No one at the 11th Police Station was prepared to discuss the raid and mosque closure with Forum 18.

Qobustan: Summoned and fined

On 8 August police decided that Simirov's leadership of the mosque community did not constitute a crime. Instead, local police officer Lieutenant Orkhan Bayramov drew up a record of an offence under Administrative Code Article 515.0.1. This punishes "Religious association's leader evading registration of the association with the relevant executive authority [State Committee]" with a fine for individuals of 1,500 to 2,000 Manats.

A fine of 1,500 Manats (7,500 Norwegian Kroner, 815 Euros or 910 US Dollars) represents more than three months' wages for employees, though far more for those without formal work.

This is one of the punishments for exercising the right to freedom of religion or belief in the new Administrative Code, which came into force on 1 March.

On 11 August, Simirov was summoned to Qaradag District Court, accused of violating Article 515.0.1. At a 15-minute hearing, Judge Rufan Mursalov found Simirov guilty of leading a religious community without state permission and fined him 1,500 Manats, according to the decision seen by Forum 18.

Although the Judge handed down his decision on 11 August and it was dated to that day, it was not handed to Simirov until 26 August. The decision gave him 10 days to lodge any appeal to Baku Appeal Court. He lodged the appeal – seen by Forum 18 – to Baku Appeal Court on 5 September. Judge Vuqar Mammadov is due to hear the appeal on the afternoon of 23 September, according to court records.

"I haven't paid as I don't have the money," Simirov told Forum 18. "And I won't pay."

"He worked as a religious leader without a state licence"

Local police officer Lieutenant Bayramov stated that he had not been present during the late July raid on the mosque. He said an order had come to close the mosque, but refused to say who had issued the order.

Lieutenant Bayramov confirmed that he had taken part in the 11 August hearing when Simirov had been fined. "He worked as a religious leader without a state licence," he told Forum 18 from Qobustan on 16 September. "He must have permission, renewed each year - the law requires it." Asked why anyone needs permission from the state to lead a religious meeting, he responded: "We don't write the laws."

Asked what harm – if any – had been caused by the mosque, Lieutenant Bayramov responded: "If he [Simirov] wants to open a mosque, that's not bad. But it must have a licence to operate."

Shirvan: Sunni Mosque closed

A Sunni Mosque that had functioned for 20 years in private property in the town of Shirvan was forcibly closed down in January 2016. "We didn't trouble anyone and there was no politics in the mosque," one community member told Forum 18 from Shirvan. "We want them to allow us to pray. It is our mosque – we built it ourselves."

About 20 officials – including Police and the head of the town Administration, Mardan Jamalov - visited the Mosque in late December 2015. They told the Mosque community that "everything should be within the law" and that it must therefore have state registration, community members told Forum 18.

Muslim Board officials also visited the Mosque, insisting that it should come under its jurisdiction to be allowed to function and that the Mosque would have to follow Shia rituals and the state-backed calendar of Muslim festivals. "We explained to them that we don't interfere in their activity so they should not interfere in ours," one Mosque member told Forum 18 from Shirvan.

Sunni Muslims particularly object to the state ban on them marking festivals on dates and at times that they deem appropriate and punishments for those who violate this state-imposed requirement. The requirement does not appear to be enshrined in any published law.

Administration Head Jamalov was not in the office when Forum 18 called on 20 September. Administration First Deputy Head Samid Abiyev claimed to Forum 18 the same day that he knew nothing about the closure of any mosque. "Who says people can't meet to pray to God?" he asked. He then said Forum 18 should send its questions in writing.

Azar Sadiqov, the regional representative for the State Committee, denied to Forum 18 from Shirvan on 20 September that any Sunni mosque in the town had been closed.

The Shirvan Sunni Mosque gained registration with the Justice Ministry in 1995. This registration was never liquidated through a court. However, the State Committee arbitrarily rejected all subsequent attempts to gain re-registration.

The mosque community tried again in 2015, collecting the signatures of the 50 founders required under the Religion Law and sending its documents to the State Committee. However, the documents were returned as the community had not provided the necessary approval from the local Administration and the Muslim Board. "They used excuses to reject our application," one community member complained to Forum 18.

Nardaran: Mosque handed to state-loyal "community"

A new community claiming to represent the members of the Rahima Hanum shrine in the village of Nardaran received their registration certificate from the State Committee on 6 September, the State Committee announced. The "community" will also control other local Shia mosques, State Committee Chair Qurbanli noted.

The State Committee had already decided that only one mosque community will be allowed to exist in Nardaran, with all mosques there being subject to it. The legal basis for such a demand is unclear. Officials at the State Committee declined to discuss anything with Forum 18.

Unlike the original community disbanded by the authorities, the new "community" is subject to the Muslim Board, which provided the required backing all Muslim communities need for a registration application. The Muslim Board has named the imam, Musa Qasimov.

Mass trials of Shia Muslims affiliated with or alleged to be affiliated with the Muslim Unity Movement and its leader Imam Taleh Bagirov (also known as Bagirzade) have begun or are set to begin in Baku. The trial of Bagirov and 17 other defendants – some of whom have little connection to him – began on 3 August at Baku's Serious Crimes Court. All the defendants have told the court that they faced serious torture in pre-trial imprisonment,

especially in the hands of the Interior Ministry's Main Directorate for the Struggle with Organised Crime in Baku.

State finally registers Bible Society

After more than 20 years of effort by various groups of Christians from different Churches, founders of a Bible Society have finally been able to gain state registration. On 9 September the State Committee issued a registration certificate to Bible Society Head Pastor Rasim Khalilov of Word of Life Church, United Bible Societies noted on 12 September.

Robert Mobili, who leads the Udi Christian community, and Fr Vladimir Fekete, who heads the Catholic Church in Azerbaijan, welcomed the news, United Bible Societies added.

However, the Bible Society registration has not solved an overarching problem – which affects more than this organisation – that a major part of the Bible used by Jews and Christians, the Old Testament or Hebrew Bible is banned. This text is not only banned but has been confiscated in police raids.

All religious literature produced in, published in or imported into Azerbaijan is subject to prior compulsory censorship. In addition, it can only be sold or distributed in places approved by the State Committee. All religious materials sold must have a sticker noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship.

Those who distribute any religious literature outside these strict limitations face administrative or criminal punishment. Criminal Code Article 167-2 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".

Any Bibles and other religious literature the Bible Society produces, imports or distributes will thus require specific prior permission from the State Committee. The State Committee is also likely to specify the numbers of permitted copies of any single item it has approved.

Prisoners tortured, authorities deny torture happened

By Felix Corley

Forum 18 (5.8.2016) - <http://bit.ly/2fihg3Q> - *The trial of 18 Muslims accused of serious violent crimes, which they and human rights defenders deny, began on 3 August. Many encouraged Islam outside state control. They have testified to being tortured, but the authorities have not arrested and tried the officials concerned.*

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

Many have testified in court that they were tortured by the Interior Ministry's Main Directorate for the Struggle with Organised Crime in Baku. The authorities have denied

that the torture took place, and have not followed their international human rights obligations to arrest and try officials suspected of torture (see below).

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

The trial of the 18 Muslims is due to resume on 10 August. They 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. They are being held in the Justice Ministry Investigation Prison in Kurdakhani, in Sabunchu District in north-eastern Baku. The address is:

AZ-1104, Baki shahari
Sabunchu rayonu
Zabrat-2 qasabasi
Baki Istintaq tacridxanasi
Azerbaijan

Who is violent?

Many of those on trial, including Imam Bagirov, were arrested during or immediately after an armed assault by the authorities on the village of Nardaran, north of Baku. During the 26 November 2015 raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience. More villagers were detained later. The raid was a major escalation of the authorities' attempts to suppress the Muslim Unity Movement.

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

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

Following the authorities' attack on Nardaran, they forcibly closed several mosques and removed imams from office. The imam of the closed Rahima Hanum Mosque, Nuhbala Rahimov, was given an 18-month prison term on 27 May, apparently without a trial.

Human rights defender Elshan Hasanov, who visited Nardaran at the end of Ramadan in early July, told Forum 18 that army and police stand outside all the mosques. He said villagers remain "intimidated".

"These people didn't commit any violence," journalist and former prisoner of conscience Khadija Ismayilova told Forum 18 in June. "The government sees them as a threat because they are popular and they are not controlled by the government".

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

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

The government's politically-binding Organisation for Security and Co-operation in Europe (OSCE) human dimension commitments make a similar point, repeatedly stating that respect for human rights and the rule of law are essential for peace and security. Suppressing the Muslim Unity Movement

The authorities have sought to suppress the Muslim Unity Movement since it was established on 13 January 2015. The state regards it as a key promoter of Iranian-oriented Shia Islam outside the control of the state-backed Caucasian Muslim Board. Its leaders organised prayers and sermons without asking state permission, and often criticised the subservience to the authorities of the Muslim Board. The Board has a state-backed extra-legal monopoly over all Muslim exercise of freedom of religion and belief.

Prisoner of conscience Bagirov facing serious charges

Prisoner of conscience Imam Bagirov – a 32-year-old former prisoner of conscience as well – ignored the state-imposed requirement to be approved by the State Committee for Work with Religious Organisations and the state-backed Muslim Board before being allowed to preach and lead prayers in a mosque. His sermons were often critical of the authorities.

Shortly before Imam Bagirov's 26 November 2015 arrest in Nardaran, he was briefly arrested and tortured on 3 November and tortured by police as he began to pray. During court hearings he has given testimony of also being tortured after his Nardaran arrest (see below). His Muslim Unity Movement colleague Imam Elchin Qasimli was arrested for protesting against the first November 2015 torture of Imam Bagirov. Prisoner of conscience Qasimli was himself then tortured and is still under arrest in pre-trial detention.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Azerbaijan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has strongly criticised Azerbaijan's record. No officials appear to have been arrested or tried for torturing prisoners of conscience Bagirov and Qasimli, officials instead denying that torture happened (see below).

The UN Working Group on Arbitrary Detention and the UN Committee Against Torture have both also condemned the government's record.

Prisoner of conscience Bagirov is facing serious criminal charges brought by the General Prosecutor's Office's Serious Crimes Investigation Department. These include Article 29 ("Intent to commit a crime"), Article 120 ("Murder"), Article 214 ("Terrorism"), Article 220 ("Mass disorder"), Article 228 ("Illegal purchase, transfer, selling, storage, transportation and carrying of firearms, accessories to firearms, ammunition and explosives"), Article 233 ("Organisation of actions promoting infringement of the social order or active participation in such actions"), Article 278 ("Violent attempts to seize power"), Article 279 ("Creation of illegal armed formations or groups"), Article 281 ("Public appeals for violence directed against the state"), Article 283 ("Inciting national, racial or religious hatred"), and Article 315 ("Use of violence, resistance with the use of violence against a representative of authority in connection with performance of official duties by him, or the use of violence not dangerous to life or health concerning his close relatives, as well as threat of the use of such violence").

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

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

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

Prisoner of conscience Agayev was arrested in Lankaran on the day of the Nardaran assault. On 26 November 2015, the same day as the armed assault on Nardaran 300 kms away, two police officers came to Agayev's Lankaran home. He invited them to join him and other visitors for tea. Then masked officers of the Organised Crime Police raided the home and arrested him. They then transferred him to the Main Directorate for the Struggle with Organised Crime in Baku.

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

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

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Azerbaijan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. No officials appear to have been arrested or tried for torturing Agayev, officials instead denying that torture happened (see below).

Prisoner of conscience Agayev is being held in pre-trial imprisonment being investigated under Criminal Code Articles: 214.2.1 ("Terrorism committed by preliminary arrangement

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

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

More torture testimony at Baku mass trial preliminary hearings

The trial of Imam Bagirov and the other 17 defendants began at Baku Serious Crimes Court under Judge Aliovsat Abasov with a preliminary hearing on 19 July. The authorities for a time blocked the road outside the court. A group of up to 15 supporters of the defendants were allowed to gather outside, Caucasian Knot news website noted the same day. Only two relatives or friends of each defendant were allowed into the small courtroom, as well as a few journalists and diplomats.

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

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

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

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

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

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

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

While being tortured by the Main Directorate for the Struggle with Organised Crime, Imam Bagirov sustained a broken nose.

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Azerbaijan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. No officials appear to have been arrested or tried for torturing Jabbarov or Imam Bagirov, officials instead denying that torture happened (see below).

"A courageous and steadfast person"

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

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

Officer denies torture

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

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

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

Full trial begins, prisoners of conscience deny charges

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

Imam Bagirov told the hearing that on 26 November 2015, he and his friends were praying the Friday namaz when the authorities stormed the house in Nardaran where he was. He insisted that neither he nor his friends put up any resistance to the authorities and added that one of the villagers, Haji Farahim, died not from gunshot wounds but from being beaten to death in a police car.

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

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

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

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

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

Mustafayev's trial continues

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

Prisoner of conscience Mustafayev is being punished for exercising the right to freedom of religion or belief by encouraging approaches to Islam outside state control. He has been held in pre-trial imprisonment since the then-NSM secret police arrested him on 17 December 2014. He is accused of being a spy for Iran, being recruited in 1992 when he was 17. He faces treason charges which could lead to life imprisonment if convicted.

Azerbaijan registers Bible Society after 20 years, but will it be able to print Bibles?

World Watch Monitor (03.10.2016) - <http://bit.ly/2dGe65E> - The recent registration of a Bible Society in Azerbaijan, after a 20-year fight, has brought fresh optimism to the country's minority Christians, but there remains some confusion about the types of books it will be allowed to print, with even Bibles potentially falling foul of the country's strict regulations.

Terje Hartberg from United Bible Societies called it "a great development, which will start a new chapter in Bible ministry for all Christians in Azerbaijan".

However, all literature either printed or imported by the Bible Society will remain subject to approval by the government – with every publication labelled with an official sticker – and its distribution permitted only at state-approved venues.

Those who distribute any religious literature outside these strict limitations face administrative or criminal punishment, reports Forum 18, a news agency focused on religious freedom in Central Asia.

You can't publish, print, import or distribute any religious publication without prior permission from the State Committee, which will also set numbers allowed. So nothing is approved until it is approved. --Felix Corley, Forum 18

The Old Testament and Hebrew Bible, meanwhile, remain amongst the list of "banned" books: text from these parts of the Bible have been confiscated in police raids, according to Forum 18.

Asked whether the prohibition of the Old Testament in effect bans the Bible too, Forum 18's Felix Corley told World Watch Monitor by email: "Well, you can't publish, print, import or distribute any religious publication without prior permission from the State Committee, which will also set numbers allowed. So nothing is approved until it is approved.

"Then it can only be distributed in a state-approved venue with a sticker from the State Committee. It appears these stickers have not been available since April. As for the Old Testament, that appears to have been on a police list. So who knows?"

President seeks constitutional change

As a new chapter opens for the Bible Society in Azerbaijan, the country itself may be entering a new, more restrictive period. President Ilham Aliyev, following the example of his counterparts in Turkmenistan and Tajikistan, is seeking to change the constitution to allow for longer terms in office and no age boundaries.

Aliyev, 54, has been President since 2003, when he succeeded his ailing father. Critics suggest the referendum, held on 26 Sep., was an attempt by Aliyev to secure the rule in perpetuity of his family.

Voters were asked to "reject" or "approve" 29 separate amendments to the constitution, including extending maximum Presidential terms from five to seven years and the addition of two Vice Presidents to be chosen by the President. The minimum age for a President would also be abolished and the age for election to Parliament reduced from 25 to 18.

Critics have suggested Aliyev may have earmarked the first Vice President post for his wife, Mehriban – currently Deputy Chairwoman of the ruling New Azerbaijan Party – or their son, Heydar, who is 19.

In other proposed amendments, the President would be able to hold early elections or dissolve Parliament. Meanwhile, if Aliyev were to fall ill, his powers would pass to the first Vice President, rather than to the Prime Minister.

The results of the election are due by 21 October. Voter turnout was said to be 63% – more than double the required 25% to validate the vote. On 30 Sep., Ogtay Asadov, the Speaker in the Azerbaijan Parliament, said the turnout indicated the people's "strong support" for the President and that the referendum was "valid".

Democracy is something that Azerbaijan has never known. The regime in Baku is just another post-Communist authoritarian bunch of rulers that are only after consolidating their position. --Rolf Zeegers, Open Doors

However, opposition groups criticised the proposed changes as "undemocratic" and "monarchical", while five prominent human-rights activists sought to block the referendum by appealing to the Council of Europe. Intigam Aliyev, Rasul Jafarov, Anar Mamedli, and Leyla Yunus, Emin Guseynov – all of whom have faced jail or exile for their

criticisms of the government – argued the amendments contravened “human rights and the supremacy of law”.

“The current regime’s intolerance of criticism and the continuing restrictions on the media and on freedom of expression and assembly ... render impossible a balanced evaluation of the proposed amendments and acquainting voters with them prior to holding the referendum,” they wrote.

In response, the Council of Europe's Venice Commission said the referendum had been called without a proper debate in Parliament and that the proposed changes would give “unprecedented” control to the President.

But Shahin Aliyev, head of the Presidential legal department, called their response “flawed” and “politically driven”.

“They speak to us in a language of ultimatums,” he said at a briefing in the capital, Baku.

The Classic Azerbaijan Popular Front had called for a boycott of the referendum, while the Musavat opposition party had launched a petition against it – but that was refused after 3,500 of the more than 40,000 signatures were labelled “invalid” by Azerbaijan’s Central Election Commission.

“Democracy is something that Azerbaijan has never known,” according to Rolf Zeegers, analyst at the World Watch Research unit of Open Doors, which monitors treatment of Christians worldwide. “The regime in Baku is just another post-Communist authoritarian bunch of rulers that are only after consolidating their position.

“They are in perfect line with the different regimes in Uzbekistan, Turkmenistan, Tajikistan and Kazakhstan.

However, Zeegers said he didn’t believe the proposed changes would have “serious consequences” for the Church.

“The regime is already known for strictly surveilling religious activities in Azerbaijan,” he said. “They will remain in power, and even more solidly than before. But it will not mean a change in attitude towards [Christians].”

Other regional developments

Tajikistan, which, like Turkmenistan, has already approved constitutional amendments to allow for longer Presidential terms, has closed its last madrasa for 16-18-year-olds, in line with the strict rules introduced in the 2009 Religion Law.

And while the impact on Christians is indirect, Open Doors’ Zeegers still said the overall “climate” is changing.

“Tajikistan used to be rather relaxed towards religion until 2009,” he said. “The fact that the largest religious group in the country (Muslims) were able to openly and officially run religious schools is a very good indication for this. Since 2009, the regime in the Tajik capital, Dushanbe, has become much more authoritarian: all political opposition has been banned and legislation has become more restrictive. In August 2011, more laws were passed that prohibit any [ministry to] youth.

“Christians have also experienced the change of climate. The focus of the government against youth work has affected summer camps, a traditional church activity that brings young Christians together during the summer holidays. This can no longer be done openly, as the camps will be raided by the police. And it goes much further: since August

2011 any youth work is prohibited. And youth form about 50% also of the [Christians], so it has big consequences. In curtailing the biggest religious group, the regime shows it is serious. Christians are warned."

Meanwhile, in Kazakhstan, President Nursultan Nazarbayev has called for the establishment of a Ministry for Religious and Civil Affairs. According to the website of the Kazakh Presidency, the Ministry will vouchsafe freedom of religion. Zeegers said the announcement is "remarkable" but also "possibly dangerous".

"Remarkable, because Kazakhstan is a secular country in which state and religion have been strictly separated," he said. "[And] if there is a strict separation between state and religion, why form a special ministry for religious affairs?"

"Dangerous because this could be the first step towards much tighter control over religion in Kazakhstan. So far, the country was relatively mild in its treatment of [Christians] – much milder than, e.g. Uzbekistan or Turkmenistan. These developments mean we need to keep our eyes open about what is going on in Kazakhstan."

Jehovah's Witnesses defend their rights to freedom of religion at the OSCE/ ODIHR

HRWF (22.09.2016) – At the Human Dimension Implementation Meeting of the OSCE/ ODIHR in Warsaw, the European Association of Jehovah's Christian Witnesses has presented a detailed report of their situation in Azerbaijan and has tried to open a constructive dialogue with the delegation of Azerbaijan in order to solve a number of concrete issues related to the legal practice of their religion in the country. Below, the almost entire paper registered and uploaded on the website of the OSCE (<http://www.osce.org/odihr/266226>).

Azerbaijan severely restricts the religious activity of Jehovah's Witnesses and has imposed fines totalling AZN 83,000 (EUR 46, 757) on individuals in the past year for practising their faith.

The unrelenting abuses of religious freedom rights have prompted Jehovah's Witnesses to seek relief by submitting 22 applications to the European Court of Human Rights (ECHR) since 2007, as well as 4 complaints to the UN Human Rights Committee (CCPR). The issues of concern, as described below, include disruption of religious services, interference with publicly manifesting belief, denial of registration, and denial of the right to conscientious objection.

Since 2007, 22 applications have been submitted to the European Court:

- Police raid: 6
- Re-registration: 1
- Manifesting religious beliefs: 3
- Censorship: 5
- Deportation: 3
- Conscientious objection: 4

Since 2015, 4 complaints have been submitted to the CCPR.

Legal Recognition Withheld

In compliance with the May 2009 amendments to the Law on Freedom of Religious Beliefs, the Religious Community of Jehovah's Witnesses in Baku applied for reregistration prior to the deadline in January 2010. Since then, the State Committee for Work With Religious Associations (SCWRA) has refused reregistration on technicalities, leaving the Community without full legal status.

The Community's current legal status remains uncertain, and the SCWRA excludes Jehovah's Witnesses from the list of registered religious associations posted on its official website, <http://www.scwra.gov.az/pages/96>. This contradicts the statements to the CCPR by Azerbaijan on 14 July 2016: "The registration procedure is quite simple. The applicant is required to present a few documents that are determined under the legislation and they are easy to collect. Religious communities are denied of registration only on legal grounds." The reply of Azerbaijan claimed that "Jehovah's Witnesses ... operate freely and are officially registered without facing any obstacles."—Paragraphs 146, 152.

Ganja.

For more than five years, the SCWRA has refused to grant Jehovah's Witnesses registration in Ganja. On 8 June 2011, the Ganja Religious Community applied for registration. The SCWRA has never issued a decision on that application. The Community filed a new application on **1 September 2015**, upon which the SCWRA informed the Community that its application had technical flaws.

On **21 September**, the Community filed corrected documents. On **23 October**, the SCWRA informed the Community of more alleged technical flaws. On **10 November**, a new application was submitted. Again, on **15 March** and **16 May 2016**, the Community corrected supposed technical flaws. On **3 August 2016**, well beyond the legal deadline of 40 days for determination of applications, the SCWRA once more failed to register Jehovah's Witnesses in Ganja, disingenuously claiming that administrative liability findings against founder members contradict the Community's charter. These findings are related to the members' exercising the very constitutional rights and Convention-protected freedoms that they have been seeking to enjoy as a registered community since 2011.

Harassment by Officials and Interference With Religious Services Heavy Fines Imposed

(1) Gakh.

On 23 March 2016, police officers abruptly terminated the observance of the Memorial of Christ's death—the most sacred religious event of the year for Jehovah's Witnesses—which was being conducted in a private home. Police officers showed what purported to be a court order authorizing their search and confiscated personal copies of religious publications, including Bibles. Officers then took all of the attendees to the local police division, interrogated them, and ordered them to write statements. All attendees were released about 9:10 p.m., after police drew up protocols of Administrative Violations on six of the men.

In early May 2016, police charged 34 individuals under Article 515.0.4 of the Administrative Violations Code for "a religious association acting outside its registered legal address." On 24 and 27 May, Gakh District Court Judge Atabay Kichibayov acquitted 27 of them.

The police appealed against all 27 acquittals. Between **28 July and 1 August**, the Shaki Court of Appeal reversed 26 of the acquittals and imposed convictions and fines of AZN 1,500 (EUR 845) each; Givi Khutsishvili was fined AZN 1,800 (EUR 1,014). On **4 August 2016**, in light of the Court of Appeal's reversals, Judge Kichibayov fined the remaining seven individuals AZN 1,500 (EUR 845) each.

(2) Sahil Settlement, Baku.

On 17 January 2016, police officers burst into the home of Marina Asadova and abruptly interrupted a meeting for worship. The officers did not allow the meeting to continue and took Ms Asadova to the local police station. Once the officers verified that the religious publications under discussion were labelled with SCWRA control stamps, they returned Ms Asadova home. The police recorded information about all of the Witnesses visiting the home and released them. The police warned that such meetings

must not be held in Ms Asadova's home again.

(3) Mingachevir.

On 9 January 2016, police officers abruptly stopped a peaceful religious service held in the private home of Eldar Aliyev. The officers forced entry and declared that the meeting was unlawful and that a permit was required for such meetings. Representatives of the Executive Authority, the municipality, and the SCWRA participated in the raid. Officers confiscated the attendees' personal copies of religious publications, including Bibles, stating that the Bible is a banned publication. Afterward, the police took all attendees to the Mingachevir Police Station, where officers questioned them, ordered them to write statements, and held them until 10:30 p.m.

On 8 February 2016, Eldar Aliyev and three others filed a lawsuit against the Mingachevir City Police Department, seeking compensation for the violation of their rights and freedoms.

On 27 April 2016, Shaki Administrative-Economic Court Judge Kanan Valiyev ruled the lawsuit inadmissible on the basis that it should have been commenced in the District Court instead of the Administrative Court.

On 22 June 2016, the Shaki Court of Appeal partially satisfied the claimants' appeal and returned the case to the lower court.

Meanwhile, **on 3 March 2016**, Mingachevir City Court Judge Huseyn Mirzaliyev convicted Eldar Aliyev under Article 515.0.2 of the Administrative Violations Code and imposed a fine of AZN 1,500 (EUR 845).

On 22 April 2016, Shaki Court of Appeal Judge Mirbahaddin Huseynov upheld the conviction and fine.

(4) Ganja.

On 14 November 2015, without showing a warrant or a court order, police officer then took all who attended the religious service to the Kapaz District Police Station. There, reporters from various TV channels filmed and broadcast news stories about them. The Witnesses were interrogated, ordered to write statements, and held without food or drink at the police station until 3:00 a.m. the following morning.

Between 18 and 26 November, Ganja Kapaz District Court Judge Yashar Hashimov fined 12 of the Witnesses AZN 2,000 (EUR 1,127) each – a total sum of AZN 24,000 (EUR 13,524).

In December 2015, the Ganja Court of Appeal dismissed all of the Witnesses' appeals.

Interference With Manifestation of Belief

The Law on Freedom of Religious Beliefs (Article 12) confines the activity of religious associations to their registered legal address. This provision contradicts the European Convention on Human Rights, which recognizes the right to manifest religious belief in democratic societies. In addition, Azerbaijan law prohibits "foreigners and persons without citizenship ... from participating in religious propaganda." In December 2015, the Criminal Code was amended to stiffen penalties for foreigners who engage in "religious propaganda"—imprisonment for one to two years and up to five years of imprisonment in cases involving a prior arraignment or a repeated violation. Between January and August 2016, Jehovah's Witnesses reported 14 cases of police interference with their manifestation of belief—sharing a Bible message in public. Typically, police officers stop the activity of the Witnesses, bring them to the police station, verbally abuse them, and threaten them with administrative charges and heavy fines. In three cases, charges were made but later dismissed in court. The reported incidents occurred in Baku.

Denial of Right to Conscientious Objection to Military Service

Although a signatory to the European Convention on Human Rights (since 2001), Azerbaijan has ignored the ECHR judgements in Case of Erçep v. Turkey and Case of

Buldu and Others v. Turkey and the Bayatyan v. Armenia judgement of the Grand Chamber, which recognized the right of religiously motivated conscientious objection to military service as fully protected under Article 9 of the European Convention. Despite having informed the CCPR on 14 July 2016 that “alternative service is an option provided by the law,” Azerbaijan has no provision for alternative civilian service.

(1) Daniel Khutsishvili (2016) is threatened with criminal prosecution for conscientiously objecting to military service. When he explained his religious beliefs and requested alternative service, the State Service for Mobilization and Conscription (SSMC) informed him that though the constitution provides the right to alternative service in Article 76, no law exists to implement it.

(2) Kamran Mirzayev (2013) was criminally convicted and imprisoned for nine months. The SSMC informed him that the law for alternative service is not in force. He has submitted an application to the ECHR.

(3) Fahkraddin Mirzayev (2012) was criminally convicted and imprisoned for one year. After serving nine months’ imprisonment, he was released on the basis of an amnesty. He has submitted an application to the ECHR.

(4) Farid Mammedov (2010) was criminally convicted and imprisoned for 9 months. He has submitted an application to the ECHR.

State Censorship of Religious Literature

Azerbaijan law stipulates that religious literature may be imported only with prior permission by the SCWRA. Moreover, each piece of imported literature—whether a book, a DVD, or even a one-page leaflet—must have the SCWRA’s control stamp on it. The cost of a single stamp is AZN 0.02, and it is at the expense of the religious community concerned. This places an additional financial burden on the religious community.

In April 2016, the government ran out of control stamps and still has none. As a result, the Religious Community of Jehovah’s Witnesses has imported 84 different publications (98,702 items) without such stamps. The SCWRA has asked the Community not to distribute those publications until control stamps are provided. Individual Witnesses risk arrest and prosecution for possessing or distributing religious literature without a control stamp, even though the SCWRA approved its import.

Positive Developments

- The SCWRA has not refused import of any new publications of Jehovah’s Witnesses since **November 2015**. At present, while still awaiting the availability of control stamps, Jehovah’s Witnesses do not have any claims in Azerbaijan courts against the SCWRA’s censorship of their religious literature.
- **During 2016**, two peaceful gatherings of more than 1,000 of Jehovah’s Witnesses were conducted successfully in Baku with the knowledge of the SCWRA, and without objection.
- Notwithstanding the ongoing threat to Daniel Khutsishvili, none of Jehovah’s Witnesses is currently imprisoned for conscientious objection to military service.
- **Since April 2016**, Azerbaijan authorities have not interrupted the Witnesses’ meetings for worship. The authorities continue to enforce fines imposed on individual Witnesses for peacefully manifesting their religious beliefs.

Meetings With Officials

- **On 6 April 2016**, representatives of the European Association of Jehovah’s Christian Witnesses (EAJCW) and a local representative met again with the chairman of the SCWRA, Mr Mubariz Gurbanli. The discussion covered a range of topics, including registration and police raids of meetings. Since the meeting, however, efforts of Jehovah’s Witnesses to obtain registration in Ganja have been thwarted, and police continue to harass Witnesses for manifesting their religious beliefs.

• **On 14 September 2016**, representatives of the EAJCW and a local representative again met with the chairman of the SCWRA, Mr Mubariz Gurbanli, and his senior colleagues. Several topics were discussed, in particular the 'control stamp' difficulty and the desire of both sides to achieve formal re-registration of Jehovah's Witnesses in Baku as a springboard to alleviating difficulties throughout the country. The SCWRA promised to assist in obtaining speedy re-registration in Baku.

• **On 15 September 2016**, the EAJCW representatives met with Dr Azay Guliyev, Chairman of the Council of State Support to NGOs under the President of the Republic of Azerbaijan and Vice-president of the Parliamentary Assembly of the OSCE. In a frank and open discussion, both parties agreed that the challenges faced by Jehovah's Witnesses are possible to resolve by constructive dialogue in the spirit of mutual understanding.

Religious Freedom Objectives

Jehovah's Witnesses respectfully request the government of Azerbaijan to:

- (1) Facilitate full registration of Jehovah's Witnesses in Baku and in other parts of the country
 - (2) Stop interfering with their worship and manifestation of belief and dismiss all fines levied against them for this peaceful religious activity
 - (3) Recognize the right to conscientious objection and provide an alternative civilian service programme conforming to international standards
 - (4) Recognize the right of religious freedom
 - (5) Allow Jehovah's Witnesses the unhindered use of their religious literature
- Representatives of Jehovah's Witnesses welcome the opportunity to engage in a constructive dialogue with representatives of the Azerbaijan government.
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Preparing for the Pope

Aid to the Church in Need (21.09.2016) - <http://bit.ly/2dIxxXd> - Situated on the shores of the Caspian Sea, Baku is a very beautiful city if you ignore the large blocks of Soviet high rises grouped together at its edges. With its mix of influences, the capital city offers a collection from several historical periods, beginning with the old city with its narrow alleys, classical buildings and old mosques, to the Baroque city from the time of the first oil boom in the early twentieth century, all the way to the ultramodern city of the new oil boom; here, the boldest architects on Earth have given their best.

The country is rich, very rich as a matter of fact, thanks to the oil that has made it possible to shift the focus to major projects. The "Dubai of the Caspian See" was even planning to create artificial islands, as is common practice among the rich Emirates on the Arabian Peninsula. Ninety-five per cent of its resources stem from this energy source, which means that the country has not been left unscathed by the current drop in oil prices. Large-scale projects such as the extension of the subway have been suspended while the one or other budget problem has come to light.

When the Sisters of Mother Teresa arrived in the country in 2006 to serve the poor, they were told that there were no poor in Azerbaijan! However, there are those whom the system has forgotten; these are the ones who mourn Soviet times when everyone received a subsistence wage.

A secularized society

Even though the population of Azerbaijan is 97% Muslim, through the influence of their Persian neighbor, two-thirds of these are Shiites. However, the country is one of the

most secularized in the midst of an Islamic world and significant control continues to be exercised over the various religious groups to restrict the potential growth of Islamist extremism.

As a former Soviet republic, the country experienced seventy years of communism and religious suppression. Around the turn of the millennium, religious life was very weak and society strongly secularized. Even today, Islam is quite inconspicuous, with a much smaller visible presence than one would see in Paris or other major French cities.

Sunnis make up a minority in Azerbaijan with an estimated 15% to 30%. The government keeps a very close watch on any attempts at radicalization. It has probably not only remained suspicious of religion as such, but is also aware of the dangers of its expansion in view of the current situation in the Middle East.

Even though it barely makes up more than 2% of the population, the second most important religion is the Orthodox faith. In the past, its followers counted barely half a million, but their numbers shrank to 200,000 when half of the Russians left the country after independence. The Orthodox Church has an eparchy with approximately fifteen parishes and maintains good relations with the Catholic Church.

A tiny minority church

A Catholic church was built in 1912 during the time of the first oil boom but was closed again with the arrival of the Bolsheviks in 1920 and then destroyed in the early 1930s. When the Catholic Church returned in 1992, only a dozen aged followers remained of what had once been 10,000 Catholics. Today, the community has 300 native-born members (often mixed marriages) and 1,000 foreign members including 300 Filipinos: when considered in relation to the entire country, an almost symbolic presence. On average, about 500 people come together each week.

Since the Church was initially seen as an evangelizing sect, John Paul II's visit did wonders for the local Catholic community. In response, the president gave a piece of land to the church, which it dedicated to the Immaculate Conception. A large statue of the Virgin Mary stands directly in front of the church and draws many people, including many Muslims and particularly women.

The Catholic Church in Azerbaijan has only a single parish with a church and a chapel that is served by six priests. This small community also includes five Sisters of the Missionaries of Charity and two Salesian nuns who are under the direction of the apostolic prefect, Msgr. Vladimir Fekete, a Salesian from Slovenia.

On May 29, 2016, the future first Azerbaijani priest was ordained to the diaconate in Saint Petersburg: this is very good news for the Church in Azerbaijan. These can probably be considered the first buds of this discreet, but truly missionary presence.

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." On 2nd December 2015, Aleksandra Jarosiewicz, researcher in a Polish think tank, said in an article entitled "Azerbaijan's government strikes at the Shiite opposition": "The Muslim Unity organisation itself is associated with imam Taleh Bagirzade (who was released from jail this summer); it has not been registered, and is more a political than a religious organisation." (<http://bit.ly/2cokcJB>)

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)[2], 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[3], 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[4]. On 6th May 2011, he was arrested for participating in the protest "Say NO to the headscarf ban"[5] 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 Aliev. 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[6]:

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 Bagirzade 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 Bagirzade 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.

[1] 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.

[2] 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.

[3] 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:

- 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*.

[4] 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."

[5] 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.

[6] See Forum18 : http://www.forum18.org/archive.php?article_id=2205

Mountain Jews see government as protectors

EurasiaNet (24.08.2016) - <http://www.eurasianet.org/node/80281> - Beyond Azerbaijan's bustling capital city of Baku, with its modern skyline now defined by flame-shaped glass towers, is an abundance of ethnic diversity. Living in compact settlements nestled among the lush green hills and snow-capped mountains of Azerbaijan are about 50 different ethnic populations speaking over 40 languages.

Krasnaya Sloboda (Red Town) is one such hamlet. Named for its red roofs that visually pop from nearby highland lookouts, it is one of the only all-Jewish towns outside of Israel.

Just off Krasnaya Sloboda's center square, inside its main chaykana (a traditional Azeri teahouse usually reserved for the exclusive use of men), I interrupted an intense game of backgammon. Here, I met Anatoliy, the town's synagogue keeper, who was eager to explain the history of the Mountain Jews in Azerbaijan.

He took me on a tour, pointing out historic sites, including the cemetery reserved exclusively for Mountain Jews, and the renovated homes of prominent individuals in the community. A lavish wedding hall overlooks the Qudyal River, and on the other side, Anatoliy pointed to the Muslim city of Quba.

"We've always lived peacefully here in Krasnaya Sloboda with our Muslim neighbors," he said. "Our mutual respect for one another allowed the Mountain Jews to preserve our unique and ancient customs."

The Mountain Jews have inhabited the region since the 13th century, but the existence of a modern-day shtetl in Azerbaijan is surprising mainly because the country predominately adheres to Shi'a Islam.

Elsewhere in the Muslim world, Jews were expelled from many countries shortly after the Arab-Israeli war and the creation of the state of Israel in 1948. Before independence in 1991, Azerbaijan was also part of the Soviet Union, where Jews endured discrimination and experienced government-sanctioned anti-Semitism.

Azerbaijan is also known more for its oil wealth than its love for diversity. Indeed, the country's post-Soviet existence has been defined in part by a bitter conflict with Christian Armenians over the Nagorno-Karabakh territory. Despite a shaky ceasefire since 1994, the so-called "frozen conflict" once again erupted in April of this year, resulting in dozens of casualties.

The past does not weigh heavily on Krasnaya Sloboda, however. Azerbaijan's Mountain Jews see the current government more as protectors than as persecutors.

The Mountain Jews' comfort with President Ilham Aliyev's administration might have something to do with the national narrative Azerbaijan's government wants to publicize – an inclusive and cosmopolitan society that is secular and non-threatening to Western values.

Despite the enmity between Azeris and Armenians, Milikh Yevdayev, a leader of the Religious Community of Mountain Jews of Azerbaijan, asserted that Azerbaijan should be held up as an example of a country where "people of every culture and cloth have something fundamentally in common."

To a certain extent, Aliyev's administration is trying to reconnect to a historical tradition in which Baku was celebrated as an internationally oriented city that was hospitable toward Jewish groups. The capital's ethnic diversity in recent centuries was rooted in its status as a Silk Road trading hub, especially its role as a conduit for trade between Turkey and Iran. The oil boom of the late 19th – early 20th centuries heightened Baku's cosmopolitan feel.

President Aliyev likes to call attention to this heyday era of inclusivity. For example, an international gathering held in early May in Baku, sponsored by the United Nations Alliance of Civilizations (UNAOC), took place under the motto: "Living Together in Inclusive Societies." First Lady Mehriban Aliyeva even held up the prosperous existence of Krasnaya Sloboda as an exemplar of Azerbaijan's tolerance.

Rights activists and some other observers contend that the government's emphasis of its acceptance of Jews might be a tactic designed to muddle the international community's recent criticism of Azerbaijan's democratization record. Watchdog groups now rank Azerbaijan among the more politically repressive states in the world. According to anthropologist Bruce Grant, amplifying an idyllic shared history can be perceived as a vehicle for state sponsorship – in other words, propaganda.

How the Mountain Jews got to Azerbaijan remains in dispute among religious historians. Yet the population's distinct language, Judeo-Tat or Juhuri (an Arabicized dialect of Farsi) lends some clues. Linguistic evidence suggests that Juhuri is closely related to the endangered Tat language, which is spoken by neighboring Caucasian Muslim populations. Juhuri is also of a different language group than Azeri, the Turkic national language of Azerbaijan.

Both Tat and Juhuri are linked to Persian. Thus, the Mountain Jews are likely descendants of Persian Jews. Following the destruction of the first temple in ancient Israel, they migrated to Iran in the 8th century and continued onward in the Caucasus, settling in remote and mountainous areas of present-day Dagestan and Azerbaijan.

In 1742, the Khan of Quba gave the Jews permission to set up their own municipality, Krasnaya Sloboda. This enabled the community to escape persecution, and preserve their Jewish identity and traditions. The remoteness of the community likewise helped Mountain Jews to endure the vicissitudes of World War II, Soviet pogroms, and a myriad of other 20th century political upheavals.

In the mid-1980s, before the Soviet Union started to unravel, the Mountain Jews in Krasnaya Sloboda numbered over 18,000 people. Today, it has just over 3,000 inhabitants. But many who have left, especially those who have prospered, retain a strong connection to the town. Some who now call Moscow, New York or Israel home continue to invest in projects that improve their hometown's simple way of life without diminishing its traditions.

There are two functioning synagogues in Krasnaya Sloboda, a summer and winter one, where colorful hand-woven rungs adorn every inch of the chapel's floor. Anatoliy pointed out that all visitors are required to take off their shoes before entry. Taking off your shoes to pray is not a Jewish tradition, but in the Southern Caucasus, the synagogue keeper explained, some Muslim rituals were borrowed by the Jews. And in this part of the world, both the Mountain Jews and Shi'ite Muslims are considered equally Azerbaijani.

Suspected Shi'ite insurgent group on trial in Azerbaijan

By Liz Fuller

RFERL (14.08.2016) - <http://bit.ly/2aNXzPs> - Eighteen men said to be members of an extremist religious group that sought to provoke mass unrest in order to seize power went on trial beginning on August 4 in Baku's Court for Serious Crimes.

They face charges including murder, terrorism, inciting religious hatred, organizing mass unrest, and illegal possession of weapons. All of them without exception reject those charges as fabricated; several say they have been subjected to torture in an attempt to induce them to incriminate themselves, fellow defendants, and respected opposition leaders.

The two most prominent defendants are Taleh Bagirzade (also known as Bagirov), a young Shi'ite cleric who heads the unregistered Movement for Muslim Unity, and Fuad Qahramanli, deputy chairman of the opposition Azerbaijan Popular Front Party (AHCP).

Bagirzade, who studied theology in Iran, has campaigned to uphold believers' rights and openly criticized Azerbaijan's President Ilham Aliyev. He was apprehended in late November 2015 together with 13 other men during a raid by police on a house in the village of Nardaran on the outskirts of Baku. where they were attending prayers.

Nardaran has for decades been a bastion of conservative Shi'ite Islam. Its estimated 8,000 residents regard as their supreme religious authority not Muslim Spiritual Board of Azerbaijan Chairman Sheikh-ul-Islam Allakh-Shukur Pashazade, but Iranian Ayatollah Ali Khamenei.

Seven people, including at least two police officers, were killed and several others wounded during the police raid, the precise details of which remain unclear. According to a joint statement by Azerbaijan's Interior Ministry and Prosecutor-General's Office, the men opened fire and hurled Molotov cocktails at the police. The accused, however, insist they were unarmed. One of them, Bahruz Asadov, was quoted as saying in court on August 11 that he heard police warning each other to aim carefully so as not to risk injuring their colleagues.

That joint statement also says that Bagirzade created the Movement for Muslim Unity with the aim of overthrowing the constitutional order and establishing "a religious state under Shari'a law." He and his associates are said to have recruited supporters in Baku and other parts of the country and provided them with various types of weaponry, and to have conducted "illegal meetings" in Nardaran to discuss mobilizing the population in a violent uprising against the authorities.

According to the statement, the November raid was 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."

Oqtay Gyulaliyev of the public group Azerbaijan Without Political Prisoners says there is no evidence to support the allegations of terrorism. Why, he asks, if Bagirzade and his associates were indeed terrorists, were rank-and-file local police deployed to detain them, rather than a specialized counterterrorism force? Why were civilian lives endangered, and why did the police open fire immediately rather than call on the group of men to surrender?

Bagirzade's lawyer Elcin Sadiqov said after the preliminary court hearings last month that many points in the indictment remain unclear. He too claimed there was no evidence that

it was the accused who fired on the police, or even that the two dead men identified as police officers were indeed such.

Bagirzade himself stresses that he has never advocated violence. He suggested that the police action to detain him was "carefully planned" in retaliation for the criticism voiced by the Movement for Muslim Unity of blatant falsification during the parliamentary elections on November 1.

Qahramanli, who was nowhere near Nardaran at the time of the raid, was detained at his home two weeks after it took place for comments about it that he posted on Facebook. He was initially charged with antistate propaganda and inciting racial or religious hatred and remanded in pretrial detention. Six months later, a further charge was brought against him of calling for civil disobedience and mass unrest.

Testifying on August 11, Qahramanli said he was being tried solely for having expressed a critical opinion of the Azerbaijani authorities. "The authorities want to frighten those people who come out against corruption [and] arbitrary [reprisals], which is why they fabricate political cases [against such critics]," he affirmed.

Gozyal Bayramli, who like Qahramanli is an AHCP deputy chairman, is on record as saying he is convinced that despite the total lack of any supporting evidence, the Azerbaijani authorities are determined to prove a connection between the party and the purported Shi'ite insurgent group in order to discredit the AHCP in the eyes of the international community.

Bagirzade says investigators tortured him to induce him to incriminate AHCP Chairman Ali Kerimli and Camil Hasanli, the head of the opposition National Council of Democratic Forces, but that he refused to do so.

Up to 50 other persons were apprehended in Nardaran on the day of the police raid. Some were subsequently released; others have been tried individually or in small groups on less serious charges such as illegal possession of weapons.

Since the events of last November, the Azerbaijani authorities have made a concerted effort to placate, if not win the hearts and minds of, Nardaran's population, broadening streets and repairing schools, a clinic, and other infrastructure. Attending the formal inauguration of that infrastructure two months ago, President Aliyev announced that villagers' collective unpaid debts for electricity over the past decade, amounting to 42.2 million manats (\$27.7 million), had been written off.

Who is and who is not a FoRB prisoner?

By Willy Fautré, *Human Rights Without Frontiers*

HRWF (03.08.2016) - Much confusion often prevails around the concept of freedom of religion or belief (FoRB) and the identification of groups, persons and cases qualifying for the protection under related international instruments. Clarification is also needed to qualify the status of religious prisoners, FoRB defenders and FoRB prisoners (1).

FoRB Rights and Activities

According to Article 18 of the ICCPR, FoRB includes the freedom to have or to change religion or belief, the freedom to share one's religion or beliefs, the freedom of association, the freedom of worship and assembly, as well as conscientious objection to military service (UN Human Rights Committee General Comment 22 Para. 11 on the ICCPR).

In this regard, a number of situations are clearly covered by the aforementioned international standards: a Baha'i or an Ahmadi identifying himself as such in Iran or Pakistan, a Muslim or a Hindu converting to Christianity in Morocco or India, an Evangelical Protestant trying to share his beliefs in public or in private in Uzbekistan, Said Nursi Muslims or Pentecostal Protestants meeting in a private home or public place for worship or for any sort of religious purposes whether their group is registered by the state or not, or a Jehovah's Witness refusing to perform military service in South Korea or Eritrea. In such situations, all those people are victims of FoRB violations.

According to the 1981 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.

Anyone who would be arrested and deprived of his freedom for one of these activities could without any doubt be considered a FoRB prisoner.

Some believers and clerics may resist their government's attempts to restrict or violate their freedom of religion or belief by petitioning the authorities, filing complaints with international institutions... These activities are also part of their freedom of religion or belief. If they are repressed by the authorities, they are victims of FoRB violations as protected by the aforementioned instruments.

FoRB Defenders as Human Rights Defenders

There is no specific definition of who is or can claim to be a human rights defender. The UN Declaration on human rights defenders refers to "individuals, groups and associations ... contributing to ... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals."

In accordance with this broad categorization, they can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world's largest cities to individuals working within their local communities. Defenders can be of any gender or age, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations.

FoRB defenders can be said to fall under a subdivision of the category of human rights defenders.

A number of non-state actors may occasionally or regularly defend the rights of believers, clerics and religious associations whether they are one of them or not.

Some human rights organizations put FoRB on their agenda among other topics. Some lawyers defend prisoners arrested for evangelizing in the public space. Some journalists and bloggers write about FoRB violations. They are all FoRB defenders. If they happen to be arrested and/or imprisoned, it is in their capacity of human rights defenders but they cannot be called or claimed to be FoRB prisoners.

Believers and Clerics as Non-violent Social or Political Activists

In the 1970s and 1980s, a number of Catholic priests in Latin America engaged in non-violent social activities were arrested or victims of extra-judiciary killing.

During WWII, clerics were engaged in non-violent resistance movements against the German occupying forces.

In Northern Ireland, priests and pastors were involved in political activities in a violent context until the 1998 Good Friday Agreement.

In Thailand, Buddhist priests were arrested and beaten by the police for demonstrating against the government.

In China, Uyghur Muslims want their historical lands to gain independence, and Tibetan Buddhist monks regularly protest against the annexation and occupation of their country by China since the 1950s.

In Tajikistan, the Islamic Renaissance Party was banned and their members were sentenced to long prison sentences. Some of their political meetings were taking place in mosques, which is forbidden by law.

In Azerbaijan, imams organized demonstrations to denounce the corruption of the regime and to claim democracy, and ended up in prison.

State repression against those activists cannot be labelled religious persecution or violation of religious freedom as some state institutions and NGOs defending religious freedom do because their actions, though legitimate and honorable as they may be, they are not protected by Article 18 of the ICCPR and Article 9 of the European Convention of Human Rights, but by other articles of the same instruments. Therefore, such prisoners could be characterized as political prisoners, victims of politically motivated imprisonment, Christian prisoners, Muslim prisoners... but not FoRB prisoners.

FoRB and Other Religion-related Prisoners in Azerbaijan

In February 2015, two female Jehovah's Witnesses Valida Jabrayilova and Irina Zakharchenko, were arrested and kept in detention for "illegally distributing religious literature without state permission." A criminal case was opened against them on the basis of Criminal Code Article 167-2.2.1 ("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"). Their pre-trial detention was prolonged several times and they were only released one year later.

In 2015, five Sunni Muslims who are followers of the Turkish theologian Said Nursi were sentenced to prison terms ranging from one year and a half to more than five years in prison for gathering with others in private home to read and discuss the teachings of the religious scholar who never advocated violence and attempted throughout his life to conciliate religion, modernity and politics.

In 2015, three Sunni Muslims connected to the Lezghi mosque (2) in the Old City were arrested and sentenced to prison terms of six to fifteen months for selling religious material without authorisation. They were prosecuted on the basis of Criminal Code Article 167-2.1 ("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").

Human Rights Without Frontiers all included these victims in its list of FoRB prisoners.

In November-December 2015, about 60 Shia Muslims belonging to the Muslim Unity Movement were arrested in Nardaran, a fundamentalist district outside Baku, because of allegedly plotting to overthrow the government and storing weapons and ammunition. Seven people were killed in the crackdown, including two policemen. Trials started in 2016.

A number of state American and European institutions and NGOs defending religious freedom consider that they are in prison as victims of FoRB violations but none of them seems to have investigated the nature of 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 possibly including these prisoners in its FoRB Prisoners List but has been unable to characterize the nature of the Muslim Unity Movement despite consulting scholars in Baku and experts outside Azerbaijan. Nobody could provide the charter of the movement, its objective and its program. US expert Paul Goble said to Contact.az on 25 July 2016 "The Islamic Unity Movement is in favor of non-violent changes and the spread of democratic values". Though, two policemen were killed during the crackdown.

As of 1st August 2016, *Human Rights Without Frontiers* cannot say if the arrested people, including their leader Taleh Bagirov, have been detained on the grounds of freedom of religion or belief as protected by Article 9 of the European Convention and Article 18 of the International Covenant Civil and Political Rights, or for other reasons. *Human Rights Without Frontiers* has therefore not included these people in its List of FoRB prisoners (3), considering that they most probably belong to another category of prisoners.

In conclusion, it is of utmost importance to know the nature of some movements and the activities of their members to be able to either qualify or disqualify specific incidents as FoRB violations and some persons or groups as victims of such violations.

(1) FoRB prisoners are people who have been arrested and jailed for exercising their legitimate right to freedom of religion or belief as guaranteed by international instruments.

(2) Lezghis are an ethnic group divided between supporters of and opponents to the government.

(3) See <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list>

Imprisonments, trial and torture of Muslims

By Felix Corley

Forum 18 (29.07.2016) - <http://bit.ly/2bxd2jg> - The criminal trial of Shia Muslim Elshan Mustafayev for treason has begun, and Imam Elchin Qasimov (arrested after

protesting against torture) has been tortured during his pre-criminal trial imprisonment. Shia Muslim Inqilab Ehadli remains in prison hospital in Baku in a "poor state".

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

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

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

The most high-profile criminal trial of prominent Shia theologians is that of Muslim Unity Movement leader, Taleh Bagirov (also known as Bagirzade), and 17 others. The full trial is due to begin on 3 August at Baku Serious Crimes Court, where Mustafayev is also on trial.

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

Crushing the Muslim Unity Movement

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

The state has given the Muslim Board a monopoly over all Muslim exercise of freedom of religion and belief, although this is nowhere enshrined in law.

Imam Bagirov was among many people arrested as the authorities stormed a home in the village of Nardaran north of Baku in November 2015. During the raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience. More villagers were detained later.

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

Asked what laws members of the Muslim Unity Movement had broken that caused the authorities to raid while firing weapons, Najafov responded: "If they hadn't violated the

law the operation wouldn't have been launched. They've done wrong things – they violated established rules." He struggled to explain what rules they had broken.

Asked if the Muslim Unity Movement had killed or proposed killing anyone, Najafov replied: "No".

Following the authorities' attack on Nardaran, they forcibly closed several mosques and removed imams from office. The imam of the closed Rahima Hanum Mosque, Nuhbala Rahimov, was given an 18-month prison term on 27 May, apparently without a trial.

Human rights defender Elshan Hasanov, who visited Nardaran at the end of Ramadan in early July, told Forum 18 that army and police stand outside all the mosques. He said villagers remain "intimidated".

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

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

Mamedov headed the Expert Analysis [censorship] Department at the State Committee for Work with Religious Organisations until his transfer to the Presidential Administration in 2015. Azerbaijan imposes a highly restrictive censorship regime including pre-publication, bookshop, photocopy shop and postal censorship. State censorship includes a ban on the Old Testament and texts by Muslim theologian Said Nursi.

Mustafayev: treason trial begins

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

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

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

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

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

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

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

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

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

Organisation closes following Mustafayev's arrest

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

The Appeal to Moral Purity organisation was run by about 20 active volunteers from small offices in northern Baku. It gained state registration with the Justice Ministry as a non-governmental organisation in 2007.

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

Qasimov: appeal against 3 more months' imprisonment rejected

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

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

Tortured by police

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

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

Qasimov was imam of Hazrat Abbas Mosque in the village of Mashtaga on the north-eastern edge of Baku. Baku's Sabunchu District Police arrested him in the village on 5 November 2015 to punish him for criticising the police's torture of prisoner of conscience Imam Bagirov two days earlier.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Azerbaijan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has strongly criticised Azerbaijan's record.

The UN Working Group on Arbitrary Detention and the UN Committee Against Torture have both also condemned the government's record.

Accusations

Qasimov was initially accused of violating Article 310 ("Wilful refusal to obey the lawful demand of a law-enforcement officer") of the then Administrative Code, and sentenced to 30 days' imprisonment.

Prosecutors then opened a criminal case against Qasimov under Criminal Code Article 221.2.2 ("Hooliganism when resisting an official acting to protect the social order or halting a violation of the social order or resistance to another person") and Article 315.1 ("Use of violence, resistance with the use of violence against an official performing his official duties, or the use of violence not dangerous to life or health concerning his close relatives, as well as the threat to use such violence"). Nasimi District Court sentenced Qasimov to three months' pre-trial imprisonment.

Eleven further serious criminal charges were added to the case against Qasimov, including accusations of terrorism and inciting terrorism. He denies all the charges, according to the lawyer Nabiyeu.

Qasimov's pre-trial imprisonment has been repeatedly extended and applications to be transferred to house arrest repeatedly rejected.

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

Ehadli: in "poor state" in prison hospital

Inqilab Ehadli, one of the many Shia Muslims imprisoned as an alleged supporter of the Muslim Unity Movement, was returned to prison hospital in Baku on 25 July in a "poor state", human rights defender Hasanov told Forum 18 on 27 July. "They transferred Inqilab by ambulance because of his critical state - he was suffering from a heart attack and high blood sugar levels."

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

Following his transfer to prison hospital earlier in the year, Hasanov expressed fears that Ehadli was close to death.

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

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

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

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

Mosques ordered to close for "repairs"

By Felix Corley

Forum 18 (27.07.2016) - <http://bit.ly/2beZoQU> - Two Baku mosques abruptly closed for "repairs". A Quba mosque is restricted to Friday prayers only after an official thought replacing a window was "Salafi activity". Army and police are outside Nardaran's mosques. But the Georgian Orthodox are after a year allowed a priest.

A police officer summarily ordered closed two Mosques in Baku's historic Icherisheher (Old City) – one the long-threatened Sunni Lezgin Mosque and one Shia - on 25 July, local Muslims complained to Forum 18. Officials claim they both need "repairs". Earlier in July a Sunni Mosque in a village in the northern Quba Region was ordered to close for all activity except Friday prayers. A local Muslim told Forum 18 that the local state religious affairs official "complained that the community was engaged in 'Salafi activity' because it had replaced the window." The Muslim regarded the complaint over the new window as an excuse to restrict the mosque's activity to only being open for Friday prayers (see below).

Both the now-closed Baku mosques are in a UNESCO-recognised world heritage site administered by the Icherisheher (Old City) State Historical-Architectural Reserve, which has contradicted its own report and an expert report to UNESCO in an attempt to justify the closure (see below).

And eight months on from the November 2015 police assault on Nardaran, villagers remain "intimidated" and its Shia mosques closed, a human rights defender has told Forum 18. "An undeclared state of emergency continues, with armed soldiers and police units patrolling." Army and police units stand outside each of Nardaran's mosques. "They change over every two hours and in full view of everyone." He added that "five or six people were in each house, in silence, and all were praying for the release of the prisoners." (see below).

Meanwhile, after a break of nearly a year, the two state-permitted Georgian Orthodox parishes in the north-western Qakh Region once again have a resident priest. The Azerbaijani authorities had abruptly banned the previous parish priest from returning from Georgia in June 2015. However, officials refuse to allow other historic Georgian Orthodox churches to be used regularly for worship (see below).

Sunni mosques closed and taken over

The authorities have consistently closed down Sunni Muslim mosques in recent years on various pretexts, including several in Baku and one in Gyanja. The authorities have closed all Baku's Sunni mosques (apart from the Lezgin Mosque – see below), such as the Abu Bekr Mosque and the Martyrs' Mosque (also known as the Turkish Mosque), on various pretexts since 2008.

In a typical example, a Sunni Mosque in Qobustan near Baku was forced to give up its Sunni identity. The State Committee for Work with Religious Organisations warned its leaders that if they did not liquidate the community, 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 with the state demand.

Wide-ranging state crackdown

The crackdown on people exercising freedom of religion and belief is part of a wide-ranging state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect. This has included 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/>).

Baku Old City: two mosques ordered to close for "repairs"

At about lunchtime on 25 July, the Deputy Head of the police in Baku's Sabail District, Colonel Fuzuli Humbatov, summoned the head of the Lezgin Mosque (also known as the Ashur Mosque), Faiq Mustafa, to a cafe near the Lezgin Mosque. The head of another nearby mosque, which conducted its prayers according to Shia practices, was also summoned. In the cafe Colonel Humbatov told both men that their communities had to leave their mosques immediately before "repairs" began, Mustafa told Forum 18.

The Lezgin Mosque has repeatedly been threatened with closure under plans to allegedly "renovate" the building. Samir Nuriyev, Director of the Icherisheher (Old City) Reserve, summoned the leader of the Mosque community in July 2014 and told him verbally that it must voluntarily leave the building. However, no document on the proposed alleged "renovation" was given to the community.

Police Colonel Humbatov twice claimed on 27 July 2016 that he could not hear Forum 18's question as to why he had been involved in ordering both mosque communities to summarily vacate their places of worship. He had heard when Forum 18 had introduced itself.

"I had come to the mosque as usual that day when I was summoned," Lezgin Mosque community leader Mustafa said. "I told the Colonel that we have no other building to go to and no one had told us officially. He told us it was our last day at the mosque." Mustafa said the head of the other mosque listened to the police officer for about half an hour and left without commenting.

The second mosque, built in the 17th century, is close to the southern exit of the Old City. The Mosque was closed for about a year for repairs about 10 years ago, before being reopened for Shia worship. It belongs to the state-backed Caucasian Muslim Board.

Back at the Lezgin Mosque, Mustafa and his community began discussing the Colonel's demands. They were joined by Anar Kazimov, the representative for Baku of the State Committee, and Israfil Karimov, the religious affairs official of Sabail District

Administration. (Religious affairs officials have recently been named to many local Administrations across Azerbaijan.)

Mustafa complained to the officials that the mosque community had received no letter from the Icherisheher (Old City) State Historical-Architectural Reserve. "I asked for a document providing alternative accommodation for the community while the 'repairs' were underway, and a guarantee that the community would be able to return to its mosque once the 'repairs' were complete," he told Forum 18.

Elchin Yusubov, the Deputy Head of Administration of the State Historical-Architectural Reserve, provided written notification of the enforced mosque closure for "repairs" after some hours. The notification, dated 25 July and seen by Forum 18, orders the community to vacate the building by the following day, 26 July. However, neither the Deputy Head, nor the officials at the meeting would offer alternative accommodation or guarantee the community's right to return to its Mosque, Mustafa added. Nor would they say how long the "repairs" are expected to last.

"They just told us that Baku has plenty of mosques and that we should pray in any of them," Mustafa told Forum 18.

"Everyone was crying"

Mustafa said officials wanted the mosque community's property to be removed that same evening. However, he persuaded them to wait until the following day. "They organised the removal of our property, sending two lorries and about 10 State Historical-Architectural Reserve employees. They mobilised everything and everyone to complete it quickly."

About half a dozen community members prayed the last namaz in their mosque at lunchtime on 26 July as the workers were still taking out their property. "Everyone was crying," Mustafa told Forum 18. "We had lost our mosque."

"Repairs" unnecessary

The State Historical-Architectural Reserve's most recent detailed report, from January 2014, to the United Nations Educational, Scientific and Cultural Organization (UNESCO - which recognised the Old City's status as a World Heritage Site in 2000), only identified the 19th century Beylar Mosque as scheduled for conservation work (see <http://whc.unesco.org/document/127142>). This was before the Reserve's 2014 demand that the Lezgin Mosque community leave their place of worship because of an alleged need for "renovation".

In 2008, an expert report published by UNESCO described the Ashur or Lezgin Mosque's state of conservation as "good", noting that "the building is in use as a mosque and is clearly cared for" (see <http://unesdoc.unesco.org/images/0017/001791/179133e.pdf>).

Reserve contradicts its own reports

The Old City State Historical-Architectural Reserve claims that the work on the two mosques is part of its Conservation Master Plan, allegedly adopted under UNESCO rules and adopted under a 2010 Cabinet of Ministers Decree.

The Reserve contradicted their own reports to UNESCO and UNESCO's own expert report in trying to justify the closure of the Lezgin or Ashur Mosque. "Per the plan on restoration developed and submitted to the Cabinet of Ministers, the restoration of Ashur Mosque was planned for 2012-2014," Reserve spokesperson Narmin Azadgil told Forum 18 from Baku on 27 July. "In 2013, the Scientific Restoration Atelier examined the mosque

building and identified the main problematic issues to be addressed during the restoration process. Following this the restoration project has been developed."

"However, due to the fact that 'de-facto' users of the mosque were not willing to vacate the monument in violation of the law (despite several notices given in 2014 and 2015), the restoration was delayed and this started to significantly harm this ancient monument." Azadgil told Forum 18 that this was why the State Historical-Architectural Reserve had sent a "final notice" to the "users of the mosque".

Until the state of the mosque has been assessed, Azadgil said, it is not known how long the "repairs" are likely to last. She said it is "beyond the responsibilities" of the Reserve to offer the mosque community alternative premises to hold worship during the "repairs" or to guarantee the return of the mosque to the community once "repairs" are complete. She insisted these were issues for the State Committee.

Azadgil denied absolutely that a second Old City mosque had similarly been ordered closed on 25 July.

State Committee decision

District Administration official Karimov – who had been present for discussions at the Lezgin Mosque on 26 July - said it will be a decision for the State Committee as to the future use of the building once repairs are completed. "This is not within my power to decide," he told Forum 18 from Baku on 27 July. He insisted that the decision to undertake the repairs was the sole responsibility of the Reserve.

Karimov denied that the order to vacate the Mosque was sudden when Forum 18 noted that the 25 July police verbal order in a cafe was given with no notice. "They were told some years ago, with letters six months ago and three months ago." Asked why the District Police Deputy Head had been the official to tell the mosque community to vacate the building, he responded: "They are responsible for law and order."

An aide to Kazimov, the State Committee representative for Baku, refused to discuss with Forum 18 on 27 July his involvement in ousting the two communities from their Mosque. The aide referred all enquiries to the State Committee spokesperson.

No information on "repairs", no guarantees for worshippers

Bahrouz Muslimov, spokesperson for the State Committee, insisted too that the State Historical-Architectural Reserve was responsible for all decisions over the "repairs" of mosques in its territory. He told Forum 18 on 27 July that he had no information on whether the Lezgin Mosque community would be offered alternative accommodation for prayers while the "repairs" are underway, how long the "repairs" would last, and whether the same mosque community would be allowed to resume worship in their mosque once the "repairs" are complete.

Lezgin Mosque and worshippers under long-term pressure

The Lezgin Mosque has repeatedly come under great pressure from the authorities to close, including the July 2014 demand to leave the building because of alleged "renovation". In April 2015 the European Olympics were used to justify pressure to close the Mosque.

Five men from the Lezgin Mosque congregation – including the Imam – were jailed as prisoners of conscience for periods of between six and 15 months in 2015, for exercising their freedom of religion and belief.

In April and May 2016 police continued stopping Muslims praying in the yard around the Lezgin Mosque. The Sunni mosque is small and is often too full for all those wishing to attend Friday prayers to find space inside. Such police obstruction of people coming to worship at the Mosque has long been frequent.

In June and July, up to the enforced closure of the Mosque, Colonel Humberov came every Friday during prayers. "Some weeks he banned praying outside, some weeks not," Mustafa told Forum 18.

Karimov of Sabail District Administration defended the ban on praying around the Mosque. "They're not allowed to pray outside on the street." Asked why, given that the Mosque is too small for all the community members to pray inside during Friday prayers, he responded to Forum 18: "Tourists don't like it. Besides, it obstructs people from passing along the pavement."

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 appears to remain in force throughout Azerbaijan.

From 17 to 20 June 2016, the authorities closed both the Lezgin Mosque and the nearby Juma Mosque because Baku was hosting the Formula 1 motor race, human rights defender Elshan Hasanov told Forum 18 from Baku on 26 July. The prayer leader of the Juma Mosque told one Muslim privately that the head of the Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade, had ordered him to close the Mosque "so that foreigners wouldn't find out that we hold Friday prayers".

Among Azerbaijan's other violations of Muslims' freedom of religion and belief has been the imposition of a Shia calendar on all Muslims.

Shia mosques also closed and taken over

Shia mosques – like the newly closed mosque in Baku's Old City – have also been forcibly closed or taken over. Most recently at least four mosques in the village of Nardaran – the Rahima Hanum, Gulam Ali, Kichik and Aga mosques – because they did not have the compulsory state registration and were not subject to the state-backed Muslim Board.

Nardaran near Baku is known as a stronghold of Shia Islam, and mosques can open again for meetings for worship only if they submit to the Muslim Board and get registration with the State Committee for Work with Religious Organisations.

The Nardaran mosques were forcibly closed immediately after the November 2015 armed assault by the authorities on the village, during which at least seven people were killed, to suppress the Muslim Unity Movement and arrest its leader Taleh Bagirov. Asked if the Muslim Unity Movement had killed or proposed killing anyone, a Presidential Administration official replied to Forum 18 "No".

The imam of Nardaran's closed Rahima Hanum Mosque, Nuhbala Rahimov, was given an 18-month prison term on 27 May, apparently without a trial.

Eight months on from the November 2015 police assault on Nardaran, villagers remain "intimidated", human rights defender Hasanov told Forum 18. "An undeclared state of emergency continues, with armed soldiers and police units patrolling. I wanted to take a photo of them but when they saw they grabbed me and ordered me to delete the photo."

Hasanov said army and police units stand outside each of Nardaran's mosques. "They change over every two hours and in full view of everyone." His early July visit to the

village at the end of Ramadan made a "pitiful impression", he added. "Five or six people were in each house, in silence, and all were praying for the release of the prisoners."

Quba District: replacing window "Salafi activity", so only Friday prayers

In early July Eynulla Nurullayev, the regional representative of the State Committee, ordered the Mosque in the village of Digah in Quba Region to remain closed for all activity except Friday prayers. Most Muslims in the area are Sunni and follow Sufi practices, a local Muslim, who asked not to be identified for fear of state reprisals, told Forum 18 from Quba Region on 27 July. The Muslim said many of the mosque attendees are young.

"Nurullayev was unhappy that the community had collected money and replaced an old wooden window with a new, plastic window," the Muslim told Forum 18. "He complained that the community was engaged in 'Salafi activity' because it had replaced the window." The Muslim regarded the complaint over the new window as an excuse to restrict the mosque's activity.

Nurullayev denied that he had ordered the mosque closed apart from at Friday prayers. "It's open day and night," he claimed to Forum 18 from Quba on 27 July. "Who says it's closed? That's absurd."

Asked about his comments after seeing the mosque's new window, Nurullayev responded: "We were simply looking at it. They need permission for any such work from the mosque owner, that's all. I'm not against the new window." He indicated that the mosque belongs not to the community but to the local administration.

Azerbaijan is hostile to anyone exercising their freedom of religion and belief, and other human rights, without state permission.

Georgian Orthodox churches kept closed

The new parish priest for the two state-permitted Georgian Orthodox parishes in Gakh Region, Fr Petre Khumarashvili, was finally able to move to Azerbaijan to take up his service in late June, Georgians told Forum 18 on 27 July.

The Azerbaijani authorities imposed a sudden ban on 21 June 2015 without explanation on the previous parish priest, Fr Demetre Tetrushvili, from re-entering Azerbaijan from Georgia. This meant that the Sunday liturgy and other rites essential to the Orthodox faith could not be celebrated in Azerbaijan. The ban meant that no Christmas services and only limited Easter services were celebrated.

Azerbaijan's Georgian Orthodox community – most of whom live in Gakh Region - have long struggled to be allowed to re-open places of worship forcibly closed in the Soviet period and provide clergy for them. Their parishes have faced repeated arbitrary state obstacles, including extra-legal bans on meeting for worship, as well as arbitrary bureaucratic obstacles to gaining the compulsory state registration to be allowed to exist. Only a limited number of churches have been allowed to re-open, often for highly restricted times.

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.

One more sentenced prisoner of conscience

By Felix Corley

Forum 18 (22.06.2016) - <http://bit.ly/2bJVDEx> - Shia Muslim imam and prisoner of conscience Nuhbala Rahimov has been given an 18-month sentence and his mosque taken over, and Taleh Bagirov faces more criminal charges. The UN Working Group on Arbitrary Detention and the Committee Against Torture have condemned the government's record.

Shia Muslim imam and prisoner of conscience Nuhbala Rahimov from Nardaran, near Azerbaijan's capital Baku, was given an 18-month prison term on 27 May, apparently without a trial, Forum 18 notes. His mosque has been taken over by the authorities, who are imposing stronger than usual restrictions on freedom of religion and belief in the village of Nardaran. Shia Muslim theologian and head of the Muslim Unity Movement, prisoner of conscience Taleh Bagirov has had more criminal charges of murder and attempting to commit crime added to his case. And another prisoner of conscience and deputy head of the Muslim Unity Movement, Imam Elchin Qasimov, has failed in his bid to be transferred from prison to house arrest as he awaits criminal trial. Other prisoners of conscience remain under investigation in detention (see below).

Both the United Nations (UN) Working Group on Arbitrary Detention and the UN Committee Against Torture have in separate reports strongly condemned the government's record (see below).

All three prisoners of conscience – Rahimov, Bagirov (also known as Bagirzade) and Qasimov (also known as Qasimli) – have spent more than six months in pre-trial imprisonment since their late 2015 arrests on violence-related charges. "These people didn't commit any violence," journalist and former prisoner of conscience Khadija Ismayilova told Forum 18. "The government sees them as a threat because they are popular and they are not controlled by the government." They are among many sentenced prisoners of conscience or former prisoners of conscience punished for exercising their right to freedom of religion or belief (see below).

"These people didn't commit any violence"

"These people didn't commit any violence," journalist and former prisoner of conscience Khadija Ismayilova told Forum 18 from Baku on 18 June. "The government sees them as a threat because they are popular and they are not controlled by the government."

Human rights defender Ismayilova is now serving a three and a half year suspended sentence after being freed from prison on 25 May when the Supreme Court reduced her sentence from seven and a half years' imprisonment. She is still barred from leaving Baku or the country. Her release from jail followed widespread international protests, and her conviction is seen as punishment for her journalism on corruption and human rights issues.

Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, asked on 1 December 2015 if the Muslim Unity Movement had killed or proposed killing anyone, replied to Forum 18: "No".

Raid, arrests

Prisoner of conscience Bagirov was among many people arrested as the authorities stormed a home in Nardaran on 26 November 2015. During the raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience. More villagers were detained later.

"We are today the only organisation in Azerbaijan whose entire leadership has been arrested on trumped-up charges," Imam Bagirov said in a 23 February 2016 statement from prison.

Ongoing human rights crackdown

The criminal prosecutions are part of an ongoing government campaign to crush the Muslim Unity Movement, which was established in January 2015. Bagirov was chosen as its leader while he was imprisoned on earlier charges which his supporters insist were fabricated. It is also 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, and a conscientious objector to military service.

The government bans any exercise of freedom of religion and belief by groups of people without state permission. It also does not allow religiously-inspired political parties or NGOs to gain such permission via state registration.

United Nations Working Group condemns violations of rights

Prisoner of conscience Rahimov was sentenced, according to the court, on 27 May 2016, the day after the United Nations Working Group on Arbitrary Detention condemned "the severe limitations placed on the work of human rights defenders, journalists, political opponents and religious leaders" which it observed during its 16-25 May visit to Azerbaijan.

"The Working Group holds the view that human rights defenders, journalists, political and religious leaders continue to be detained under criminal or administrative charges as a way to impair the exercise of their basic human rights and fundamental freedoms and to silence them," the Working Group stated in its preliminary findings of the visit. "These practices constitute an abuse of authority and violate .. the rule of law that Azerbaijan has agreed to comply with."

The UN Working Group's preliminary findings also strongly criticised the authorities' practice of arresting and punishing individuals on lesser administrative charges, and then bringing far more serious criminal charges (as happened to Rahimov, Qasimov and many others).

The Working Group condemned individuals' at times long pre-trial imprisonment. "The national judicial authorities are to ensure that the pre-trial detention of an accused person does not exceed a reasonable time," it told the Azerbaijani authorities.

The Working Group noted that during its May visit, it had received "a large number of testimonies" from current or recent prisoners of torture and ill-treatment while in custody of various agencies. "The interviewees described having a gun pointed at their head, severe beatings, sometimes lasting several hours, verbal abuse and psychological pressure, practices such as standing on one's knees for long hours, threats of physical and sexual abuse as well as threats to arrest family members".

The Working Group on Arbitrary Detention found in December 2015 that two Jehovah's Witness female prisoners of conscience – Irina Zakharchenko and Valida Jabrayilova – were being detained since February 2015 to punish for exercising their right to freedom of religion or belief and called for them freed and compensated. In January 2016 the two prisoners of conscience were convicted of offering one religious booklet without the

compulsory state permission and given a large fine. At the same time the fine was waived and the women freed, but they were not compensated for their wrongful imprisonment as the Working Group had demanded.

Rahimov: 18-month sentence – but "no record of the trial"

On 27 May, Nuhbala Rahimov, Shia Muslim prayer leader of Rahima Hanum Mosque in Nardaran, was given a sentence of 18 months' imprisonment, local media reported that day, citing Baku's Sabunchu District Court. Press reports did not say when the trial started, who his lawyer was or what Criminal Code article or articles he was sentenced under.

Mystery also surrounds the sentencing. "I went to Sabunchu District Court and the official opened up the court site and could find no record of the trial," human rights defender and former political prisoner Elshan Hasanov told Forum 18 from Baku on 2 June. "Nor was there any data on any trial of Nuhbala in the court archive."

After further investigation, Hasanov told Forum 18 on 11 June that on 27 May, Rahimov was not taken from Kurdakhani Investigation Prison to Sabunchu District Court and that no hearing took place that day at Sabunchu District Court. "He was simply handed the prepared verdict directly in the prison. This is illegal."

Human rights defender Hasanov told Forum 18 that he thinks the authorities warned Rahimov's relatives not to complain about or appeal against the prison term, and in return he would be included in a prisoner amnesty.

It does not appear that Rahimov has appealed against his sentence to Baku Appeal Court. He was not included in the prisoner amnesty declared by parliament on 20 May and which began to be implemented in mid-June. No prisoners of conscience appear to have been freed under the amnesty.

Forum 18 was unable to reach Sabunchu District Court (which moved to a new building in November 2015). Nor could Forum 18 identify Qasimov's lawyer (believed to have the first name Rafik).

Imam Rahimov was arrested at the mosque he led on 7 December 2015, about 10 days after the government assault on Nardaran during which at least seven people died. Prisoner of conscience Rahimov was initially given a 30-day jail term under the Code of Administrative Offences, and Sabunchu District Court then imposed four months pre-trial detention after prosecutors opened a criminal case against him.

The authorities then forcibly closed the Rahima Hanum Mosque Rahimov led, along with Nardaran's three other mosques.

The criminal case against Rahimov was originally completed in February 2016 and sent to Sabunchu District Court for trial. However, in late March it was returned to prosecutors for further work. Meanwhile, just before his four-month term of pre-trial imprisonment expired in mid-April, Sabunchu District Court renewed it for a further four months.

Prisoner of conscience Bagirov: new charges added

Prisoner of conscience Taleh Bagirov was among many people arrested as the authorities stormed a home in Nardaran on 26 November 2015. During the raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience. More villagers were detained later.

More criminal charges of murder have been added to those prisoner of conscience Bagirov is already facing. The head of the Muslim Unity Movement marks his 32nd birthday on 23 June 2016. Prosecutors added further charges under Criminal Code Article 120 ("Murder") and a new charge under Article 29 ("Intent to commit a crime"). These relate to the deaths as the authorities stormed the home in Nardaran on 26 November 2015.

Bagirov was already facing numerous other serious criminal charges under at least 10 Criminal Code Articles brought by the General Prosecutor's Office's Serious Crimes Investigation Department. These included Article 120 ("Murder"), Article 214 ("Terrorism"), Article 220 ("Mass disorder"), Article 228 ("Illegal purchase, transfer, selling, storage, transportation and carrying of firearms, accessories to firearms, ammunition and explosives"), Article 233 ("Organisation of actions promoting infringement of the social order or active participation in such actions"), Article 278 ("Violent attempts to seize power"), Article 279 ("Creation of illegal armed formations or groups"), Article 281 ("Public appeals for violence directed against the state"), Article 283 ("Inciting national, racial or religious hatred"), and Article 315 ("Use of violence, resistance with the use of violence against a representative of authority in connection with performance of official duties by him, or the use of violence not dangerous to life or health concerning his close relatives, as well as threat of the use of such violence").

Prosecutors completed the criminal case against Bagirov at the end of May, one of his lawyers Elchin Sadiqov told APA news agency on 31 May. The lawyer added that he would be familiarising himself with the case materials. No trial date has yet been set.

"Taleh's criminal case has been separated from that of Elshan Mustafayev," another of Bagirov's lawyers Javad Javadov told Forum 18 from Baku on 21 June. "His case is now connected with that of Natiq Karimov, though there is no proof of anything."

Torture

On 3 November 2015 police arrested and tortured prisoner of conscience Bagirov, 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.

The CAT's Concluding Observations adopted on 26 November were highly critical, noting "numerous and persistent allegations that torture and ill treatment are routinely used by law enforcement and investigative officials", and that between 2010 and 2015 "not a single individual was prosecuted" despite 1,996 separate complaints to the authorities. The CAT also noted that this "is a strong indication that investigations into allegations of torture are not conducted in a prompt, efficient and impartial manner" (see CAT/C/AZE/CO/4 <http://daccessods.un.org/access.nsf/Get?Open&DS=CAT/C/AZE/CO/4&Lang=E>).

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Azerbaijan is obliged to arrest and try under criminal law any person suspected on good grounds of having committed torture. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) has also strongly criticised Azerbaijan's record.

Imam Bagirov was later released by police. Following his next arrest during the authorities' assault on Nardaran on 26 November (the same day the CAT's Concluding Observations were adopted), prisoner of conscience Bagirov was tortured by the Interior Ministry's Main Directorate for the Struggle with Organised Crime, sustaining a broken nose.

After his transfer to the Investigation Prison at Kurdakhani, Bagirov brought a suit to court seeking punishment for those who tortured him. On 23 February 2016, following official obstruction – including refusing to bring him to court while signs of the torture were still visible – he abandoned his suit.

Prisoners of conscience Mustafayev and Karimov

Prisoner of conscience Mustafayev, who used to work for the state-backed Caucasian Muslim Board, was arrested on 16 December 2014 and remains in pre-trial imprisonment. He faces treason charges under Criminal Code Article 274.

Prisoner of conscience Karimov is an elder in the village of Nardaran. He was arrested in the village on 6 January 2016. Sabail District Court initially ordered he be held in pre-trial imprisonment for four months in the State Security Service (SSS) secret police Investigation Prison. However, on 19 January the same court upheld his appeal and transferred him to house arrest, Caucasian Knot news agency noted. On 2 May at the request of prosecutors, the same court extended his pre-trial house arrest by a further three months, local news agencies reported.

Karimov is accused of collaborating with the secret services of an unspecified foreign state. In December 2015 he protested at the authorities refusal to allow normal Shia Muslim commemorations in Naradaran.

Prisoner of conscience Qasimov: appeal against pre-trial imprisonment fails

On 23 May 2016, Judge Qail Mammadov of Baku Appeal Court rejected the suit by prisoner of conscience Elchin Qasimov that he should be transferred from pre-trial imprisonment to house arrest, according to court records.

On 23 April, Baku's Nasimi District Court had extended Qasimov's pre-trial imprisonment by a further three months. His lawyer Elnur Nabiyeu had then challenged the order in the same court, but this was rejected, he told Report.az website. Qasimov then appealed to Baku Appeal Court.

Qasimov, imam of Hazrat Abbas Mosque in the village of Mashtaga on the north-eastern edge of Baku, was deputy head of the Muslim Unity Movement. Baku's Sabunchu District Police arrested him in the village on 5 November 2015 to punish him for criticising the police torture of prisoner of conscience Bagirov two days earlier.

Qasimov was initially accused of violating Article 310 ("Wilful refusal to obey the lawful demand of a law-enforcement officer") of the then Administrative Code, and sentenced to 30 days' imprisonment.

Prosecutors then opened a criminal case against Qasimov under Criminal Code Article 221.2.2 ("Hooliganism when resisting an official acting to protect the social order or halting a violation of the social order or resistance to another person") and Article 315.1 ("Use of violence, resistance with the use of violence against an official performing his official duties, or the use of violence not dangerous to life or health concerning his close relatives, as well as the threat to use such violence"). Nasimi District Court sentenced Qasimov to three months' pre-trial imprisonment.

Eleven further serious criminal charges were added to the case against Qasimov, including accusations of terrorism and inciting terrorism. Qasimov denies all the charges, according to the lawyer Nabiyeu.

Held in Kurdakhani

Prisoners of conscience Bagirov and Rahimov both remain in the Justice Ministry Investigation Prison in Kurdakhani, in Sabunchu District in north-eastern Baku. The address is:

AZ-1104, Baki shahari
Sabunchu rayonu
Zabrat-2 qasabasi
Baki Istintaq tacridxanasi
Azerbaijan

Imposing state control of freedom of religion and belief in Nardaran

Following the November 2015 assault, the authorities 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.

Following the closure of at least four of Nardaran's mosques, officials repeatedly claimed that as they did not have state registration it was illegal for them to host prayers. Officials said some could reopen, but only after they have submitted to the state-backed Caucasian Muslim Board and gained the compulsory state registration.

Officials from the State Committee for Work with Religious Organisations insisted that Bagirov, Rahimov and others had no official status in mosques as they had not been approved by the Caucasian Muslim Board, to which the state grants a monopoly over all Muslim activity in the country.

In what appears to have been a state-organised process, a new community was formed for Nardaran's Rahima Hanum Mosque which drew up a registration application and sent it for approval to the Muslim Board. It approved the application and sent it on to the State Committee, Committee officials told APA news agency on 14 June. The Mosque's former imam Rahimov was arrested at the mosque on 7 December 2015, and on 27 May 2016 was jailed for 18 months (see above).

Officials noted that, if the application is approved after the State Committee has verified it, Rahima Hanum Mosque would be the only registered place of worship in the village - and thus the only legal place for people to meet for worship.

State Committee chair Mubariz Qurbanli noted in December 2015 that Nardaran's Juma (Friday) Mosque had not received re-registration during compulsory re-registration in 2009, while the other mosques had never had registration. He stressed that in order to be allowed to function, the mosques need to form official communities and apply for registration with the Muslim Board. The Muslim Board then needs to send the approved application to the State Committee for it to approve also.

The assistant to Anar Kazimov, the Baku representative for the State Committee, told Forum 18 on 21 June that his boss was out of the office at a conference to celebrate the 15th anniversary of the State Committee's founding. The assistant refused to answer any of Forum 18's questions as to why Muslims in Nardaran are not free to meet for worship as they choose, led by those they choose.

New administrative code and religious freedom

By Felix Corley

Forum 18 (02.06.2016) - <http://bit.ly/28JiuO3> - The new Administrative Code entered into force 1 March 2016. Proposed by President Ilham Aliyev, it had been adopted by the Milli Mejlis (Parliament) on 29 December 2015 and signed into law by the President on 15 February 2016. The new Code was officially published two days later in the government newspaper "Azerbaijan".

Article 299 of the old Code was transferred almost unchanged into Article 515 of the new Code. It retains the same high fines for exercising the right to freedom of religion or belief (see full text below).

Article 300 of the old Code was shortened. Parts 1 and 3 appear as Article 516 of the new Code. The new Article 516 retains the punishment at the previous level for sending individuals abroad for religious education without State Committee permission and selling approved religious literature and materials away from approved places where they are allowed to be sold - though it introduces a new additional punishment of deportation when these "offences" are conducted by those who are not citizens (see full text below).

Parts 2 and 4 of the old Article 300 are now "crimes". The new Article 516 therefore removes the administrative punishments for religious "propaganda" by people who are not citizens and for distributing uncensored religious literature and materials.

Criminal Code Article 167-2 – adopted in December 2011 - punishes: "Production, sale and distribution of religious literature, audio and video materials, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation".

December 2015 amendments to the Criminal Code added a new Article 168-1, which punishes "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.

Article 515. Violation of the procedure for creating or running religious organisations

515.0. Violation of the procedure for creating or running religious organisations:

515.0.1. Religious association's leader evading registration of the association with the relevant executive authority [State Committee];

515.0.2. Violating rules established by legislation on holding religious meetings, marches, and other religious ceremonies;

515.0.3. Clergy and members of religious associations holding special meetings for children and youth, organising labour, literary, or other clubs and groups unassociated with holding religious ceremonies;

515.0.4. Religious association operating outside of its registered legal address;

515.0.5. Religious association carrying out activities not in accordance with its statute – entails fines of 1,500 to 2,000 Manats on individuals, 7,000 to 8,000 Manats on officials.

Article 516. Violation of legislation on freedom of religion

516.0. Violation of legislation on freedom of religion:

516.0.1. Sending citizens abroad to study in religious educational establishments, exchange of religious ministers without prior consent of the relative executive authority [State Committee];

516.0.2. Selling religious literature (printed or on electronic devices) audio and video materials, religious merchandise and products, or other religious informational materials, authorised for sale in an order established by the Law on Freedom of Religion of the Azerbaijan Republic, outside specialised sale outlets established with the consent of the relevant executive authority [State Committee and local administration] -

entails confiscation of the literature, merchandise and products or other materials being the immediate object of the administrative violation and imposition of penalty in the amount of 2,000 to 2,500 Manats on individuals, 8,000 to 9,000 Manats on officials, 20,000 to 25,000 Manats on legal entities; imposition of penalty in the amount of 2,000 to 2,500 Manats and administrative deportation of foreigners and stateless persons from the Azerbaijan Republic.

Fines for religious meetings "correct"?

By Felix Corley

Forum 18 (02.06.2016) - <http://bit.ly/28JiuO3> - The judge who upheld a large fine on a Jehovah's Witness for attending a worship meeting rejects the victim's argument that the fine violates the European Convention on Human Rights, telling Forum 18 his "decision is correct". Azerbaijan is obliged to uphold the Convention.

An appeal court judge who rejected a victim's argument that fining individuals for participating in worship meetings violates the European Convention on Human Rights and Fundamental Freedoms has defended his decision. "We believe our decision is correct and legal," Judge Mirbahaddin Huseynov of Sheki Appeal Court told Forum 18 on 2 June from the court. On 22 April he upheld a large fine on Jehovah's Witness Eldar Aliyev. Told that Azerbaijan – as a member of the Council of Europe – is obliged to respect rights to freedom of religion or belief set out in the Convention, Judge Huseynov put the phone down.

The fine on Aliyev comes as officials continue to raid meetings for worship or religious study held away from state-registered places of worship. At least three police raids on Jehovah's Witness meetings in homes in different cities in 2016 have led to court cases, literature seizures and warnings. While 27 court cases which followed one raid ended in acquittals, others cases continue.

Sunni Muslims who study using the works of the late Turkish Muslim theologian Said Nursi have been pressured to stop study meetings. "They're under strong surveillance," one Muslim told Forum 18 from Baku on 31 May. "They're constantly warned not to meet, and if maybe five or six get together they immediately start to face pressure."

Police have frequently raided meetings of Muslims who study Nursi's works. Five men were imprisoned for taking part in a meeting in April 2014 in a Baku home to study their faith which was broken up in an armed police raid. Two of the five - Ismayil Mammadov and Eldeniz Hajiyev - remain in prison.

Meanwhile, in April and May police again prevented Muslims from praying in the yard around the Lezgin Mosque (also known as the Ashur Mosque) in Baku's Icherisheher (Old City).

"They didn't stop people praying around the mosque at Friday prayers on 27 May, but they did so in the weeks before that," one mosque member told Forum 18 from Baku on 1 June. The Sunni mosque is small and is often too full for all those wishing to attend Friday prayers to find space inside.

The Lezgin Mosque has repeatedly been threatened with closure and from whose congregation five men – including the Imam – were jailed as prisoners of conscience.

Tight restrictions on everyone's freedom of religion and belief

Azerbaijan imposes tight restrictions on everyone's freedom of religion and belief and related human rights, in defiance of its international human rights obligations. Both Muslims and Jehovah's Witnesses have been jailed in recent years for exercising their freedom of religion and belief, their fellow prisoners of conscience including many secular human rights defenders. Among the regime's other violations are: a highly restrictive censorship regime, including pre-publication, bookshop, photocopy shop and postal censorship, including a ban on the Old Testament and texts by Muslim theologian Said Nursi; enforced closures of places of worship, especially Sunni mosques; a ban on praying outside mosques; and the state attempting to choose all Muslim leaders. The regime attempts to counter discussion of its human rights violations with outright denials and claims of "inter-religious harmony", "religious tolerance" and similar assertions.

Among the regime's other violations of freedom of religion and belief, it imposes a Shia-oriented unified calendar on all Muslims, irrespective of whether they follow this Islamic school. "If we pray according to the calendar we believe is correct, they'll arrest us," one Muslim told Forum 18.

Mingachevir: religious meeting raided

On the afternoon of 9 January, police officers abruptly stopped a Jehovah's Witness meeting held in Aliyev's home in the north-western town of Mingachevir. Bursting into the house, officers shouted at the more than 20 people present, demanding they stop the meeting, Jehovah's Witnesses told Forum 18. Police officers told those present that the meeting was "unlawful" and that a permit was required to hold such meetings. Representatives of the regional administration, the city and the State Committee for Work with Religious Organisations participated in the raid.

Officers confiscated from those present personal copies of religious publications, including Bibles. The State Committee official stated that the Bible is a banned publication and must therefore be confiscated.

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".

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

After seizing religious literature from those present at the Mingachevir Jehovah's Witness meeting, the police took all attendees to the town's Police Station, where officers questioned and ordered them to write statements. The police held them until 10.30 pm, after having deprived them of their liberty for six hours.

Major Elkhon Farajov of Mingachevir Police Public Safety Department drew up a record of an "offence" against Aliyev under Article 299.0.2 of the then Administrative Code (Article 515.0.2 of the new Administrative Code – see below), according to case materials. This Article punishes "Violating rules established by legislation on holding religious meetings, marches, and other religious ceremonies" with fines on individuals of 1,500 to 2,000 Manats. The case was then handed to court.

Mingachevir: fine and action against parents

On 3 March, Mingachevir City Court Judge Huseyn Mirzaliyev convicted Aliyev and fined him 1,500 Manats (8,400 Norwegian Kroner, 900 Euros or 1,000 US Dollars). The average monthly wage for employees in the first three months of 2016 was 485 Manats, according to the State Statistical Committee. The fine therefore represents more than three months wages for employees, though far more for those (like Aliyev) without formal work.

On 22 April, Judge Huseynov of Sheki Appeal Court rejected Aliyev's appeal, according to the decision seen by Forum 18. The Judge dismissed Aliyev's arguments that the punishments had violated his rights under Article 9 of the European Convention on Human Rights and Fundamental Freedoms. This guarantees the right to freedom of thought, conscience and religion for all, "either alone or in community with others and in public or private, to manifest his [sic] religion or belief, in worship, teaching, practice and observance".

After the raid, police officers summoned parents and children of the participants of the religious meeting. Police informed one of the parents, Arzu Ibrahimova, that they had issued a record of an administrative "offence" against her. They added that all materials under Article 51 of the old Administrative Code, which punished "Failure by parents and guardians to fulfil upbringing and educational responsibilities", were transferred to the Commission on Cases and Protection of Juveniles.

Gakh: religious meeting raided, administrative charges

On 23 March, police officers in the north-western town of Gakh [Qax] raided the home of Givi Khusishvili. They abruptly stopped the observance of the Memorial of Christ's death, the most sacred religious event of the year for Jehovah's Witnesses. Police officers showed what purported to be a court order authorising their search and confiscated personal copies of religious publications, including Bibles, Jehovah's Witnesses complained to Forum 18.

Officers then took all the attendees to the local police station, interrogated them, and ordered them to write statements. Police drew up records of an "offence" under the Administrative Code on dozens of those present. All were released soon after 9 pm.

A 23 March statement on the Interior Ministry website claimed that Khusishvili had violated the procedure for organising and holding religious meetings. It claimed the meeting had therefore been "prohibited by law". It said that of the 56 people present, more than 44 were local, while 9 were from Zakatala [Zaqatala], the region north of Gakh. Five were from Baku. The Interior Ministry said the 19 DVDs, two videos and 219 items of religious literature seized during the search had not been approved by the State Committee.

Many acquittals, but other cases in court

Cases under Administrative Code Article 515 against 27 attendees were handed to Gakh District Court. However, the Court's Judge Atabay Kichibayov dismissed all the cases for lack of an "offence", his assistant told Forum 18 from the court on 27 May. Ten of them were heard and dismissed on 24 May, the remaining 17 on 27 May.

"We are pleased that Judge Atabek Kichibayov pronounced just and legal decisions to halt the cases for lack of an administrative offence," Jehovah's Witnesses told Forum 18 on 29 May.

The same Judge Kichibayov acquitted a Jehovah's Witness in a case in May 2014. In the case of a former imam in October 2015, the Judge gave an official warning rather than a fine for "illegal" religious meetings.

However, police handed to Zakatala District Court the records of an "offence" against the participants who had come down for the meeting from Zakatala. "We are still awaiting these hearings," Jehovah's Witnesses told Forum 18.

Zakatala District Court said one case under Administrative Code Article 515 – against a woman named Qurbanova – has already been handed to court and has been assigned to Judge Arif Ismayilov. Court officials refused to give Forum 18 any other details on 31 May.

Records of an "offence" against the participants from Baku were handed to the local police in the district of the capital where they live.

Sahil: religious meeting raided

On 17 January, police officers burst into the home of Marina Asadova in Sahil, a settlement on the Caspian Sea south-west of Baku. They abruptly halted a meeting for worship. Officers took Asadova to the local Police Station. Once the officers verified that religious publications they had seized were labelled with State Committee censorship stamps, they took Asadova back to her home.

The police recorded the identity of all the Jehovah's Witnesses who had been present before releasing them. The police warned Asadova not to host such religious meetings again.

Police across Azerbaijan frequently raid Jehovah's Witness worship meetings. Following a 14 November 2015 police raid on a meeting in the home of Nijat Panahov in Gyanja [Gäncä], 12 of those present were each fined 2,000 Manats. In December 2015, the city's Appeal Court rejected all 12 appeals.

New Administrative Code

The new Administrative Code entered into force 1 March 2016. Proposed by President Ilham Aliyev, it had been adopted by the Milli Mejlis (Parliament) on 29 December 2015 and signed into law by the President on 15 February 2016. The new Code was officially published two days later in the government newspaper "Azerbaycan".

Article 299 of the old Code was transferred almost unchanged into Article 515 of the new Code. It retains the same high fines for exercising the right to freedom of religion or belief (see full text below).

Article 300 of the old Code was shortened. Parts 1 and 3 appear as Article 516 of the new Code. The new Article 516 retains the punishment at the previous level for sending individuals abroad for religious education without State Committee permission and selling approved religious literature and materials away from approved places where they are allowed to be sold - though it introduces a new additional punishment of deportation when these "offences" are conducted by those who are not citizens (see full text below).

Parts 2 and 4 of the old Article 300 are now "crimes". The new Article 516 therefore removes the administrative punishments for religious "propaganda" by people who are not citizens and for distributing uncensored religious literature and materials.

Criminal Code Article 167-2 – adopted in December 2011 - punishes: "Production, sale and distribution of religious literature, audio and video materials, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation".

December 2015 amendments to the Criminal Code added a new Article 168-1, which punishes "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.

Article 515. Violation of the procedure for creating or running religious organisations

515.0. Violation of the procedure for creating or running religious organisations:

515.0.1. Religious association's leader evading registration of the association with the relevant executive authority [State Committee];

515.0.2. Violating rules established by legislation on holding religious meetings, marches, and other religious ceremonies;

515.0.3. Clergy and members of religious associations holding special meetings for children and youth, organising labour, literary, or other clubs and groups unassociated with holding religious ceremonies;

515.0.4. Religious association operating outside of its registered legal address;

515.0.5. Religious association carrying out activities not in accordance with its statute – entails fines of 1,500 to 2,000 Manats on individuals, 7,000 to 8,000 Manats on officials.

Article 516. Violation of legislation on freedom of religion

516.0. Violation of legislation on freedom of religion:

516.0.1. Sending citizens abroad to study in religious educational establishments, exchange of religious ministers without prior consent of the relevant executive authority [State Committee];

516.0.2. Selling religious literature (printed or on electronic devices) audio and video materials, religious merchandise and products, or other religious informational materials, authorised for sale in an order established by the Law on Freedom of Religion of the

Azerbaijan Republic, outside specialised sale outlets established with the consent of the relevant executive authority [State Committee and local administration] - entails confiscation of the literature, merchandise and products or other materials being the immediate object of the administrative violation and imposition of penalty in the amount of 2,000 to 2,500 Manats on individuals, 8,000 to 9,000 Manats on officials, 20,000 to 25,000 Manats on legal entities; imposition of penalty in the amount of 2,000 to 2,500 Manats and administrative deportation of foreigners and stateless persons from the Azerbaijan Republic.

State tells Muslims when to pray

By Felix Corley

Forum 18 (31.05.2016) - <http://bit.ly/29PBkGq> - "If we pray according to the calendar we believe is correct, they'll arrest us," one Muslim tells Forum 18 about the Shia-oriented unified calendar the state imposes on all Muslims. Azerbaijan's Georgian Orthodox – after nearly a year – should soon have a resident priest again.

Muslims who are not part of Azerbaijan's state-backed Caucasian Muslim Board, particularly Sunnis, have objected to the state-imposed calendar which dictates when they are allowed to pray and celebrate Muslim festivals. "This is a serious issue for us," one Sunni Muslim from the Baku area told Forum 18. "If we pray according to the calendar we believe is correct, they'll arrest us." The Muslim noted that the state does not impose compulsory calendars on Christians, Jews or members of other faiths.

The Muslim added that if they pray and observe festivals as they see correct, spies in the mosque would soon notify the institutions that they report to: the State Security Service (SSS) secret police, the State Committee for Work with Religious Organisations, the local Administration or the state-backed Muslim Board. Arrest and punishment could follow, the Muslim noted. State officials and the Muslim Board reminded all Muslims on 26 May that they must abide by the official calendar ahead of the beginning of the Muslim holy month of Ramadan in early June.

Specific restrictions on Muslims

Azerbaijan imposes tight state restrictions on everyone's exercise of their right to freedom of religion or belief and related human rights – in defiance of its international human rights obligations. Both Muslims and Jehovah's Witnesses have been jailed in recent years for exercising their freedom of religion and belief, their fellow prisoners of conscience including many secular human rights defenders. Muslims are singled out for special restrictions. The government gives the Muslim Board a monopoly on all Muslim activity, and will not give the compulsory state registration to any mosques not subject to the Board. The state has closed down many Sunni Muslim mosques. Those who lead mosques have to be Azerbaijani citizens who have gained their Islamic education in Azerbaijan. The regime attempts to counter discussion of its human rights violations with outright denials and claims of "inter-religious harmony", "religious tolerance" and similar assertions.

Among Azerbaijan's other recent violations of freedom of religion and belief, the judge who upheld a large fine on a Jehovah's Witness for attending a worship meeting rejects the victim's argument that the fine violates the European Convention on Human Rights, telling Forum 18 his "decision is correct".

"God orders us when to pray, not [Muslim Board head] Pashazade"

A member of a different Sunni Muslim community told Forum 18 that in mid-May, an official of the local administration came to the mosque to instruct them about the days when Ramadan starts and finishes according to the official calendar. "He said that we must follow this," the mosque member complained to Forum 18. "I responded that God orders us when to pray, not [Muslim Board head Allahshukur] Pashazade."

The mosque member noted that while the Muslim Board has issued its own calendar for many years, "this year state officials have spoken far more loudly about how this must be followed."

The reminder that the state chooses when Muslims can and cannot pray and observe festivals comes amid continuing raids on religious meetings in homes. Such raids often result in fines for "illegal" religious activity. Victims of such raids include Jehovah's Witnesses and Sunni Muslims who use the works of the late Turkish theologian Said Nursi to deepen their understanding of their faith.

However, Azerbaijan's two state-registered Georgian Orthodox parishes may soon be able to hold regular liturgies again after nearly a year. The parishes have been without a resident priest since June 2015, when the Azerbaijani authorities denied re-entry to the country to the last parish priest (see below).

"The state doesn't interfere"?

Asked why Muslim communities cannot decide for themselves when they should pray and observe festivals, Bahar Muradova, head of the Human Rights Committee in the Milli Mejlis (parliament), said that she was not informed about the issue. "The state doesn't interfere in religious issues," she claimed to Forum 18 from Baku on 27 May.

Asked why Azerbaijan's Georgian Orthodox have been prevented from having a resident priest for nearly a year, Muradova claimed not to be able to hear and put the phone down. Subsequent calls went unanswered.

State-imposed Muslim calendar

At a meeting at the Muslim Board in Baku on 26 May, both State Committee and Muslim Board officials reminded all Muslims of the state-backed calendar that they must follow.

Addressing the meeting was Siyavush Heydarov, a deputy chair of the State Committee (who worked for the KGB and then Azerbaijan's then National Security Ministry secret police from 1986 to 2011). He warned that his Committee would be monitoring mosques over Ramadan to ensure that they abide by the official calendar, according to remarks quoted by APA news agency the same day. He claimed that the rules are necessary for national unity.

If any mosques were found to be using other calendars, they would face serious measures, he added. Any individuals caught distributing other calendars (including booksellers with the required state permission to sell religious literature) would face "a judicial evaluation". In the case of booksellers, "a guilty person awaits criminal responsibility".

"We ask everyone who discovers [that other calendars are being distributed] to tell us so that, together with law-enforcement agencies, measures can be taken," APA quoted Heydarov as declaring.

The Muslim Board issued a fatwa (religious ruling) requiring all Muslims in the country to follow the state-backed calendar and observe all Muslim festivals on the same day.

Forum 18 tried to reach Heydarov at the State Committee in Baku repeatedly on 27 May, but his colleagues said he was in a meeting or out of the office. An aide to Heydarov – who did not give his name – declined to discuss the imposition of the state-backed Muslim calendar with Forum 18 on 30 May.

"God won't accept our prayers"

Muslim theologian and Koran translator Elmir Kuliyeu says that having all Muslims in one location marking festivals at the same time is in accordance with Islamic traditions. "Attempts by religious centres of various states to come to a common system to determine dates can only be welcomed," he told Forum 18 on 31 May from Turkey, where he now lives and works. "All the more as not only theologians, but astronomers and members of scholarly institutions and observatories are involved in this initiative."

Kuliyeu did not comment on whether it is right or wrong for the Azerbaijani state authorities to impose one calendar on all local Muslims. He merely observed that in some countries such issues are decided by the religious centres themselves, in others – such as Turkey – such centres are subordinated to the state. "It all depends on the level of secularism the state grants," he told Forum 18.

The Baku-area Sunni Muslim complained that the state-imposed Muslim calendar can impose a difference of up to an hour on their five-times a day prayers. The official calendar also forces them to observe festivals one or two days apart from the date they believe they should be observed.

"Ramadan is due to start this year on 7 June, according to their, fixed calendar," the Sunni Muslim told Forum 18. "We will watch the moon, and it's possible it should start on 6 or 7 June, depending on what we see." Likewise, the Muslim said that their community believes it should mark the end of the Ramadan fast generally a day earlier than the state-backed calendar.

The Muslim insisted that prayer times are set very precisely and that praying at the correct time is essential. "If we pray at a different time, God won't accept our prayers."

However, the mosque where the Muslim worships has been forced to follow the timing of prayers and the date of festivals in the state-imposed calendar out of fear of punishment. "We had phone calls from the State Committee, the Muslim Board and the secret police last year [2015] to ensure we marked Ramadan on their dates."

Although the state-promoted Muslim calendar contains Shia commemorations which Sunni Muslims do not observe – such as the commemoration of the martyrdom of the Muslim prophet Muhammad's son-in-law Imam Ali on the festival of Ashura – the Muslim told Forum 18 that so far their community is not being forced to hold such commemorations.

The Sunni Muslim regarded the imposition of a Shia-oriented calendar as part of state favouritism towards Shia Muslims and discrimination against Sunnis. "They take all our freedom from us," the Muslim complained. "You have to believe like us – that's their message. I've got nothing against them praying their way, but they should let us pray in ours."

Another Sunni Muslim, who lives in Baku, supported the idea of a unified Muslim calendar, but only if it was based on what he regards as the "norms of Islam". "But the one they have drawn up is distorted and does not set the correct times," the Muslim told Forum 18 from Baku on 31 May. "It will lead to dissatisfaction."

This Muslim added that it is unclear how far the authorities will go to impose the calendar on mosques. "I would be unhappy if it leads to pressure over the way Muslims observe their faith."

Georgian Orthodox liturgies to resume?

Nearly a year after the Azerbaijani authorities denied re-entry to Azerbaijan to the only Georgian Orthodox priest serving there, full liturgies could finally be about to resume at the two state-registered Georgian Orthodox parishes the Azerbaijani authorities allow to exist.

Fr Petre Khumarashvili has finally gained Azerbaijani citizenship, Bishop Demetre Kapanadze of the Diocese of Khornabuji and Hereti (who has oversight of Azerbaijan's parishes) told Voice of Georgia news website on 18 May.

The bishop named Fr Khumarashvili to serve in Azerbaijan months ago, and negotiations with the Azerbaijani authorities were already underway at the beginning of 2016.

In October 2015, Patriarch Ilya wrote to Azerbaijani President Ilham Aliyev asking for Fr Khumarashvili to be given Azerbaijani citizenship. This was finally granted in May 2016. "This weekend he will conduct his last services in the Virgin Mary Church in Dedoplistskaro [in eastern Georgia], after which he will travel to Azerbaijan," the bishop was quoted on ingilo.ru as declaring.

The Azerbaijani authorities had refused to allow a resident Georgian Orthodox priest to serve the Gakh parishes since the abrupt denial of re-entry to Fr Demetre (secular name Levan Tetrushvili) in June 2015. Fr Demetre had taken over the Gakh parishes after the deportation of the previous parish priest, Fr Basile Gogilashvili, in July 2011.

In the year since Fr Demetre was banned from returning, the two parishes - St George's Church in Gakh and St Nino's Church in the nearby village of Alibeyli - have had only occasional pastoral visits by clergy from Georgia. They were thus deprived of the opportunity to hold regular Sunday liturgies, as well as weddings and other rites needing a priest.

At Easter 2016, which the Church marked on Sunday 1 May, the Azerbaijani authorities allowed a short visit from Bishop Demetre Kapanadze. He had occasionally been able to visit the parishes on special feastdays over the previous ten months when the parishes had no resident priest. During his visit to mark St George's day, 23 November 2015, he served the liturgy in the churches and took the opportunity to conduct weddings and baptisms, which had had to be postponed in the absence of a priest.

The authorities allow the Georgian Orthodox St George's Church in Kurmukh in the hills overlooking the valley to be used for worship only twice a year - on 6 May and 23 November (both St George's day, the church's patronal festival). The Georgian Patriarchate insists that when Patriarch Ilya met President Aliyev in 2005, a "verbal agreement" was reached that the Kurmukh Church would be able to function, according to a 20 October 2007 Patriarchate statement.

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.

Rights of believers upheld "to the highest level"?

The aide to Heydarov at the State Committee in Baku confirmed to Forum 18 that Azerbaijan had given citizenship to Fr Khumarashvili. However, he refused to explain why the local Georgian Orthodox parishes had been denied a resident priest for nearly a year. "The rights of all believers in Azerbaijan are upheld to the highest level," he claimed, before putting the phone down.

An aide to Vafa Heydarova, deputy head of Gakh Regional Administration responsible for humanitarian issues, who did not give his name, insisted that the issue of a new priest for the Georgian Orthodox "is being resolved". Bishop Demetre has chosen the priest, Fr Khumarashvili, and the choice was approved by Georgian Orthodox Patriarch Ilya, he told Forum 18 from Gakh on 24 May.

Although the aide insisted "there are no restrictions on our side", he was unable to say why the Georgian Orthodox parishes in Gakh have been waiting for months for Fr Khumarashvili to take up his service there. "We know what they want," the aide told Forum 18, "but we decide."

Mehman Ismayilov, senior north-west regional official for the State Committee, who is based in Zakatala [Zaqatala], declined to talk to Forum 18 on 27 May.

Azerbaijan authorities completely destroyed Shiite Seminary of Imam Zaman in Nardaran

HRWF (05.05.2016) - On 2nd of May, the Azerbaijani authorities completely destroyed 'Imam Zaman' Shiite seminary in city of Nardaran.

Authorities backed by police forces destroyed the Imam Zaman Seminary under the pretext of expanding the street, while according to the witnesses the seminary is located at the end of the alley and need not any expansion.

The seminary of Imam Zaman is located next to the shrine of Rahimah Khatun.

Activist and elders of Nardaran condemned this act and announced to file a complaint to judicial authorities.

Shia Muslim prisoner – one of many – reported close to death

Forum 18 (27.04.2016) - <http://bit.ly/1T10oL5> - Inqilab Ehadli, one of the dozens of Shia Muslims imprisoned as an alleged supporter of the Muslim Unity Movement, is believed to be close to death in prison hospital in the capital Baku, human rights defender Elshan Hasanov told Forum 18 News Service. Ehadli, who is 58, was already in poor health when arrested in January and transferred to the secret police Investigation Prison. "In his home town of Salyan he had authority. Young people came to him with questions about their faith and Islamic law, even members of the clergy," Hasanov noted. At least 68 supporters of the Movement have been arrested since an armed assault by security forces on the village of Nardaran in November 2015, including its leader Taleh Bagirov and mosque prayer leader Nuhbala Rahimov. Meanwhile, two female Jehovah's Witnesses – freed after 50 weeks' imprisonment, mostly by the secret police - have failed to overturn their criminal convictions on appeal. The United Nations Working Group on Arbitrary Detention found in December 2015 that the two were being punished for

exercising their right to freedom of religion or belief and called for them freed and compensated. The Working Group is due to visit Azerbaijan in mid-May.

Inqilab Ehadli, an imprisoned Shia Muslim and an alleged supporter of the Muslim Unity Movement who faces treason charges, is in prison hospital in the Azerbaijani capital Baku and believed to be close to death, human rights defender Elshan Hasanov told Forum 18 News Service. "Inqilab has twice undergone heart operations and is registered as a second-degree invalid," he said. "His condition in prison hospital is serious."

"Inqilab did nothing 'dangerous'," Hasanov – who heads the Monitoring Centre for Political Prisoners - insisted to Forum 18. "But in his home town of Salyan he had authority. Young people came to him with questions about their faith and Islamic law, even members of the clergy."

Forum 18 has been unable to find out why police arrested Ehadli and whether he was arrested to punish him for exercising his right to freedom of religion or belief.

Crackdown on Muslim Unity Movement continues

Ehadli's arrest appears to be part of the government crackdown on adherents or sympathisers of the Muslim Unity Movement, led by Shia Muslim prisoner of conscience Taleh Bagirov (also known as Bagirzade).

The Muslim Unity Movement was established in January 2015, with Imam Bagirov 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 July 2015.

Bagirov was among many people arrested as security forces stormed a home in the village of Nardaran north of Baku on 26 November 2015. During the raid, two police officers and at least five villagers were shot dead and police then detained 14 Muslims as prisoners of conscience. More villagers were detained later.

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

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

Asked if the Muslim Unity Movement had killed or proposed killing anyone, Najafov replied: "No".

Imprisoned Muslim Unity Movement supporters are being investigated on a range of serious criminal charges, including treason, murder, terrorism, mass disorder, illegal firearms and creating an illegal armed group. The deputy head of the movement, Elchin Qasymov, is facing 13 separate charges, all of which he denies. His pre-trial detention was extended by a further three months on 23 April, his lawyer Elnur Nabiyeu told Turan news agency that day.

Among those detained in the days and weeks after the armed assault on Nardaran was Nuhbala Rahimov, prayer leader of Nardaran's Rahima Hanum Mosque, arrested in December 2015. He was due to be brought to trial, but the criminal case has been returned to prosecutors and his pre-trial detention period extended (see below).

"We are today the only organisation in Azerbaijan whose entire leadership has been arrested on trumped-up charges," Imam Bagirov said in a 23 February statement from prison.

Officers enter Nardaran mosques with weapons and in boots

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.

Following the assault, officials closed at least four of Nardaran's mosques, claiming that as they do not have state registration it is illegal for them to host prayers. Officials say some could reopen, but only after they have submitted to the state-backed Caucasian Muslim Board and gained the compulsory state registration.

Conditions in Nardaran remain tense, Hasanov told Forum 18 after his 18 April visit there. "An undeclared curfew remains in force with armed patrols." He said armed officers even go into the mosques with weapons and with their boots on, something regarded as offensive to Muslims. Surveillance cameras have been installed at many points, including at the entrance to the massive shrine, while homes of individuals the authorities are particularly suspicious of remain under close observation.

Sentences reduced, but no exoneration or compensation

Meanwhile, five Sunni Muslims imprisoned in October 2015 for taking part in a religious study meeting in a Baku home in April 2014 have had their prison sentences reduced on appeal. Three were freed in the court room, though for two of them the remainder of their sentences was suspended. Their lawyer insisted that all five will seek full exoneration and will appeal to the Supreme Court (see below).

Two female Jehovah's Witnesses who spent nearly a year in pre-trial detention, mostly in the then National Security Ministry (NSM) secret police Investigation Prison, have failed to overturn their criminal conviction on appeal (see below).

The United Nations Working Group on Arbitrary Detention ruled in December 2015 that the two Jehovah's Witnesses should be freed and compensated for their wrongful imprisonment (see below). The Working Group is due to make a visit to Azerbaijan from 16 to 25 May, according to the UN Office for the High Commissioner for Human Rights website.

January arrest and transfer to secret police

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

Despite this, police handed Ehadli over to the State Security Service (SSS) secret police where he is being investigated under Criminal Code Article 274 on charges of alleged treason. He was immediately ordered held for four months in pre-trial detention at the SSS Investigation Prison in Baku without any court hearing, Hasanov complained to Forum 18. The law requires pre-trial detention orders to be made by a court. A further detention order of three months pre-trial detention order has since been added, Hasanov said.

Ehadli, who is 58 and has four children, is a former deputy chair of the Islamic Party, which gained state registration in 1991 which the Supreme Court revoked in 1995. However, he resigned from his party position more than two years ago because of failing

health.

Criminal case returned

The criminal case against the prayer leader at a Shia Muslim mosque in the village of Nardaran, Nuhbala Rahimov, has been returned to prosecutors for further work, Trend news agency noted on 30 March citing relatives. Meanwhile, just before his four-month term of pre-trial imprisonment expired in mid-April, Baku's Sabunchu District Court renewed it for a further four months.

Rahimov was originally arrested in early December 2015, about 10 days after the heavily-armed government assault on Nardaran.

Rahimov was initially given an administrative prison term. However, Sabunchu District Court soon handed down a four-month pre-trial detention term after prosecutors opened a criminal case against him.

The criminal case against Rahimov had originally been completed in February 2016 and sent to Sabunchu District Court for trial.

Lenkoran arrests

Police and Prosecutor's Office officials arrested two further alleged members of the Muslim Unity Movement in the south of the country. Qismet Isayev and Vugar Ismayilov were arrested in a "special operation" in Lenkoran, the Interior Ministry noted on its website on 19 April.

The Ministry claimed four grenades and 123 bullets had been seized from them, as well as 18 booklets "promoting religious intolerance". A criminal case has been opened against Isayev and Ismayilov, it added.

How many prisoners?

The authorities have given little information about the arrests of alleged members or sympathisers of the Muslim Unity Movement. On 5 February, General Prosecutor Zakir Qaralov announced that 68 people had been arrested as part of the case, 57 of them in and around Baku and the other 11 in Gyanja and elsewhere.

The authorities have repeatedly claimed that supporters of the movement have been preparing to overthrow the government and have been storing weapons and ammunition.

However, human rights defenders told Forum 18 they find it highly unlikely that members – at least the leadership of the movement – had stored the weapons or ammunition as alleged by the authorities, or that they had planned or called for an uprising or would want one.

68 known detainees

Human rights defenders in Baku in early April compiled a list of 68 people – all of them men – known to have been arrested during or following the November 2015 crackdown in Nardaran (surname, first name, father's name):

1. Bagirov Taleh Kamil
2. Huseynov Abbas Mammadbagir

3. Jabrayilov Rasim Mirzebaba
4. Jabbadov Jabbar Amirxan
5. Ismayilov Aqil Azar
6. Tagizada Abbas Hafiz
7. Yariyev Ramin Maharram
8. Ismayilov Etibar Rasim
9. Bunyadov Rasim Sarvar
10. Valiyev Alibala Javad
11. Xudaverdiyev Ibrahim Mahammad
12. Quliyev Abbas Abdulrahman
13. Nuriyev Ali Hasrat
14. Balayev Farhad Nasraddin
15. Agayev Elman Seydamir
16. Bunyadov Eldar Aliaga
17. Shahbazov Atabala Shahbaz
18. Babayev Raji Abasali
19. Quliyev Mehman Abulfaz
20. Huseynov Ali Humat
21. Shahbazov Alibay Atabala
22. Quliyev Haasaan Ahmad
23. Nabizada Urfan Fayyaz
24. Qahramanov Nahid Nasib
25. Alish Vusal Nadir
26. Aliyev Vasif Vaqif
27. Babayev Mohtabar Qilman
28. Alxasov Vidadi Shirinbala
29. Mammadov Mehman Sudef
30. Aliyev Amirali Ismayil
31. Qasimov Aliaga Mahmud

32. Qurbanov Alekber Tofiq
33. Agaraziyev Mubariz Nasir
34. Jabbarov Hilal Damir
35. Zakiyev Zahid Faiq
36. Jabrayilov Agasalim Salman
37. Muradov Farhad Mirzahasan
38. Rahimov Nuhbala Bahram
39. Mammadov Intiqam Haamdulla
40. Qahramanli Fuad Ali
41. Balakishizada Jahad Balahuseyn
42. Asgarov Bahruz Rahib
43. Aliyev Ramil Zabil
44. Qadirov Nadir Abdulaga
45. Shirvanov Seyfaddin Nurulla
46. Tagiyev Javanshir Malik
47. Hasanov Elxan Heydar
48. Nabizada Huseyn Mammadaga
49. Ibrahimov Isa Tofiq
50. Rustamov Alizohrab Amirhuseyn
51. Aslanov Seymur Tarlan
52. Mustafayev Zakir Tapdiq
53. Abdulaliyev Shamil Adil
54. Qasimov Elchin Kamal
55. Yahyayev Aga-Ali Eldar
56. Aliyev Anar Yusif
57. Habibov Sahib Firudin
58. Ahmadov Latif Suleyman
59. Valiyev Niftali Ashraf

60. Osmanov Teymur Adilxan
61. Bunyadov Elvin Hatif
62. Rzayev Sahil Xalid
63. Ismayilov Ruzi Xaliq
64. Aliyev Jabir Sabir
65. Seyfullayev Ramil Suliddin
66. Ibrahimov Mubariz Eyyub
67. Jabbarov Elnur Nazim
68. Mikayilov Zulfuqar Sadraddin

Torture suit withdrawn

Muslim Unity Movement leader Imam Bagirov brought a suit against the authorities seeking punishment for those who tortured him while in detention. Following his November 2015 arrest, he was tortured in the hands of the Interior Ministry's Main Directorate for the Struggle with Organised Crime, sustaining a broken nose. Torture only ceased in January 2016 when he was transferred to Baku's Investigation Prison No. 1.

Consideration of Bagirov's suit finally began in closed session at Baku's Nasimi District Court on 5 February. On 9 February the court delayed announcing the decision on the suit, while his lawyers noted that proceedings were continuing.

In a surprise move, on 23 February Bagirov chose to withdraw the suit. He noted that the suit was provoking further pressure from the authorities on those who attended court hearings to support him. In his statement, he stressed that the Muslim Unity Movement was and continues to be committed to peaceful struggle, Caucasian Knot news agency noted on 23 February.

Prison terms reduced on appeal, but no exoneration

On 19 April, according to court records, Judge Qail Mammadov of Baku Appeal Court finally heard the appeals lodged by the five Sunni Muslims imprisoned for taking part in a meeting in April 2014 in a Baku home to study their faith with the aid of the works of the late Turkish Muslim theologian Said Nursi. The meeting was broken up in an armed police raid.

At Baku's Yasamal District Court on 7 October 2015, Ismayil Mammadov was jailed for 5 years, 5 months; his brother Zakariyya, with Shahin Hasanov, was jailed for 5 years; Eldeniz Hajiyev was jailed for 4 years, 5 months; and Revan 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.

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

On 19 April, at their much-delayed appeal, Judge Mammadov reduced the prison terms on Ismayil Mammadov and Hajiyev to 2 years, 6 months each, their lawyer Asabali Mustafayev told Baku-based Turan news agency. The Judge reduced Sabzaliyev's prison term to one year. The Judge also changed the remainder of Hasanov and Zakariyya Mammadov's sentences from prison terms to suspended sentences.

As Sabzaliyev has already served the reduced prison term (his time in pre-trial detention at the NSM secret police Investigation Prison counted towards his punishment), he was freed in the court room. Also freed in the court room were Hasanov and Zakariyya Mammadov.

Friends of the men confirmed to Forum 18 from Baku on 20 April that the men were home with their families. However, they insisted that the criminal conviction was wrong and that reducing the sentences "was simply an excuse to get them out of prison".

The lawyer Mustafayev said that the defence insist on the men's complete exoneration on all the charges and will lodge further appeals for each of the five to the Supreme Court. "These people did not commit the crime they were accused of," he told Caucasian Knot after the appeal decision. "They were punished for exercising freedom of religion."

Jehovah's Witnesses' appeal fails

Two female Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova, convicted in January of offering one religious booklet without the compulsory state permission needed to distribute religious literature, have failed to overturn their convictions on appeal. The women were also seeking payment of all legal costs, and compensation for the violation of their rights while imprisoned for nearly one year.

On 29 March, Judge Faiq Qasimov at Baku Appeal Court left the sentence unchanged, according to court records.

The two women were arrested by the then NSM secret police in March 2015 to punish them for talking about their faith and offering one religious booklet to a resident of the Baku suburb of Pirallahi.

A criminal case was lodged against 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 of 7,000 to 9,000 Manats or imprisonment of two to five years.

On 28 January 2016, Judge Akram Qahramanov of Baku's Pirallahi District Court gave each a large fine, but waived the fines as the two women had spent nearly a year in prison.

Zakharchenko and Jabrayilova spent most of their 50-week pre-trial detention at the then NSM secret police Investigation Prison in Baku.

The United Nations (UN) Working Group on Arbitrary Detention found in December 2015 that the two women were being punished for exercising their right to freedom of religion or belief and called for the two to be both freed and compensated. Separately, the UN Human Rights Committee the same month called for the release from prison of Zakharchenko in view of her poor health while it considered the substance of an appeal in her case.

Despite the UN decision, the authorities have offered Zakharchenko and Jabrayilova no compensation.

No Bible in secret police prison

Following the women's release from prison after their January conviction, the two women gave video interviews posted on the Jehovah's Witness broadcasting website.

Jabrayilova described their arrest and imprisonment as a "terrible experience". Her first prison cell was small with only a little window. "The cell stank and we were desperate for fresh air," she recounted. She was embarrassed that the guard frequently kept watch on her through the spy glass in the door of the cell.

During the investigation of the case, the Investigator told Jabrayilova: "Everyone has turned away from you. You have been abandoned," she recalled. When the two women were being transported to court to hearings to extend pre-trial detention, the guards made sure they would not be able to have contact with any of their relatives or friends.

After the third pre-trial detention extension hearing, Jabrayilova said she felt very down and was crying as she was led back to her cell. One guard who had shouted at her earlier for being a Jehovah's Witness asked her why she had been imprisoned. "I said it was for God's name," she recounted. "If you're here because of God," she quoted him as responding, "be patient. God will help you." She said this cheered her up.

For the ten months when they were in the secret police Investigation Prison, they had no access to a Bible, Jabrayilova added. Only once they had been transferred to the Investigation Prison at Kurdakhani was she able to get a parcel from her family and found a Bible in it. "I was overjoyed when I saw the Bible in the package."

Jabrayilova noted that many fellow Jehovah's Witnesses had written to them from around the world. They were given these letters only on release from prison.

Zakharchenko recounted her worry during her imprisonment about how her family was coping without her. She expressed gratitude that she was finally back at home and that she was able to pray and attend congregational meetings with her fellow Jehovah's Witnesses.

Exercising freedom of religion improves in harsh prison

Meanwhile, the exercise of the right to freedom of religion or belief for inmates at Qobustan prison has improved following criticism, human rights defender Hasanov told Forum 18, citing relatives. Prisoners are now allowed to pray visibly and to fast.

The prison, along the coast to the south-west of Baku, is where prisoners are held in isolation in what are reported to be harsh conditions.

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.

Some other prisons have their own mosques and Russian Orthodox chapels which, former inmates have told Forum 18, prisoners are free to attend.

Azerbaijan police disrupt commemoration of Christ's death

JW.org (12.04.2016) - <http://bit.ly/1Th8Rbw> - On March 23, 2016, police officers in Gakh abruptly stopped the observance of the Memorial of Christ's death—the most sacred religious event of the year for Jehovah's Witnesses. The event was being held in a private home. Police officers showed what purported to be a court order authorizing their search, and they confiscated personal copies of religious publications, including Bibles. Officers then took all the attendees to the local police station, interrogated them, and ordered them to write statements. All attendees were released after police drew up protocols on six male Witnesses, which could lead to charges under the Administrative Violations Code.

Cameras to be installed in Azerbaijan mosques to monitor sermons

HRWF (04.04.2016) - Cameras will be installed in mosques in Azerbaijan to monitor sermons, said the Chairman of the Caucasian Muslims Office (CMO), Sheikh-ul-Islam Haji Allahshukur Pashazade.

"I will create a group to monitor sermons in mosques. I need to know what the sermons are preached in mosques," Pashazade said.

The [State Committee for Work with Religious Organizations](#) and the [Caucasian Muslims Office](#) will prepare joint sermons after considering proposals from religious figures in various places, according to Pashazade.

In December last, Mubariz Gurbanli, chairman of the State Committee for Work with Religious Organizations had announced cameras would be installed in mosques in Azerbaijan and security measures would be tightened in all mosques.

"Radical groups continue exerting pressure on Muslim clergies of several mosques operating in some regions, like Lankaran to take the minbar of mosque" (a pulpit in the mosque where the imam stands to deliver sermons), he had said.

According to Azerbaijani media, Alixan Musayev, who is known as the Wahhabi leader of one of active extremist groups in Azerbaijan, has called Azerbaijani Muslims for Jihad in an audio message published on the social media.

Cursing the recent terror attacks in Brussels, Pashazade noted that the international community really responds differently to the terrorist attacks in Lahore and Ankara versus Brussels.

Irina Zakharchenko and Valida Jabrayilova released from unjust imprisonment



HRWF (31.01.2016) - After 11 months in jail, Irina Zakharchenko and Valida Jabrayilova were released on 28th January 2016. Judge Akram Gahramanov convicted them and imposed heavy fines (7,000 manat, or 3,932 euros) simply for distributing one religious brochure without the compulsory state permission needed in Azerbaijan to distribute religious literature. He then canceled the fines because the women have been in jail since February 17, 2015. The decision completely disregards a UN ruling that directed Azerbaijan to compensate the women for their unjust imprisonment.

Although in very poor health, Ms. Zakharchenko and Ms. Jabrayilova are relieved to be free. They are now home and recovering with their families.

Human Rights Without Frontiers hails the release of the two women it campaigned for in 2015.

UN Working Group on Arbitrary Detention condemns prisoners of conscience' jailings

Forum18 (20.01.2016) – <http://bit.ly/1JTxnyZ> - The UN Working Group on Arbitrary Detention has found that two female Jehovah's Witness prisoners of conscience on trial in Azerbaijan, Irina Zakharchenko and Valida Jabrayilova, are being punished for exercising freedom of religion or belief and called for them to be freed and compensated, Forum 18 News Service has learned. The Working Group also condemned the use of conscientious objection to military service as an excuse to detain the two women. A Judge has prevented the Working Group's opinion being attached to the case file, but lawyers are calling for the court to act on the Working Group's opinion. The secret police cell where

one was held for 10 months has been described by her as a "cage" with no privacy, where the smell of sewage was "suffocating". Jehovah's Witnesses are concerned for the women's health as their detention "has damaged their health", stating that "the pointless delay in proceedings amount to further mistreatment." The trial is due to resume at 12 noon on 28 January.

Judge Akram Qahramanov, who is leading the criminal trial of two female Jehovah's Witness prisoners of conscience in Azerbaijan's capital Baku, has postponed the case yet again, Jehovah's Witnesses told Forum 18 News Service. The hearing – over whether the two should be released to house arrest because of their poor health – was postponed because one was too ill to attend. The trial is due to resume at 12 noon on 28 January.

Irina Zakharchenko, a 55-year-old disabled widow who is in poor health, and 38-year-old Valida Jabrayilova were arrested by the then-National Security Ministry (NSM) secret police in February 2015. They face a fine or imprisonment of between two and five years if convicted of offering religious literature to others without state permission. (The NSM is now the State Security Service SSS.)

The UN Working Group on Arbitrary Detention found in December 2015 that the two women are being punished for exercising their right to freedom of religion or belief and called for the two to be both freed and compensated. Separately, the UN Human Rights Committee the same month called for the release from prison of Zakharchenko in view of her poor health while it considers the substance of an appeal in her case.

"The delay further harms the women, as the postponement denied their lawyers the opportunity to argue motions for their release," Jehovah's Witnesses told Forum 18 on 19 January 2016. "Since it is the 11-month detention that has damaged their health, the unnecessary requirement of Irina Zakharchenko's presence in court and the pointless delay in proceedings amount to further mistreatment."

Forum 18 was unable to seek comment from officials on the trial of prisoners of conscience Zakharchenko and Jabrayilova on 20 January, as it is a public holiday commemorating the indiscriminate killing in Baku of at least 200 people by Soviet forces in 1990.

Torture hearing also postponed

The postponement of the trial of the two women came the same day that a Judge in another Baku court postponed yet again the complaint of 31-year-old Shia Muslim theologian and prisoner of conscience Taleh Bagirov (also known as Bagirzade). He was arrested along with at least 13 others during an armed raid by the authorities on Muslims praying in the village of Nardaran on 26 November 2015, during which at least seven people were killed (see F18News 1 December 2015).

Prisoner of conscience Bagirov is complaining about torture in prison – including a broken nose – as well as denial of access to his lawyer and contact with relatives. The hearing has been rescheduled for 22 January.

Bagirov was last previously tortured by the authorities a week before consideration of Azerbaijan's record under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) by the UN Committee Against Torture. The Committee made 22 critical recommendations in its Concluding Observations, five of which were described as "a matter of urgency", including that Azerbaijan should "apply a zero-tolerance approach to the continuing problem of torture, and to the practice of impunity".

Under the Convention against Torture, Azerbaijan is obliged to arrest any person

suspected on good grounds of having committed torture and try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

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.

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. The UN Working Group also condemned Azerbaijan's failure to provide a civilian alternative service for conscientious objectors to military service (see below.)

UN Working Group on Arbitrary Detention condemns jailings

Following the two women's arrests, Jehovah's Witnesses brought the case of prisoners of conscience Zakharchenko and Jabrayilova to the UN Working Group on Arbitrary Detention. As well as detailing in their complaint the lack of legal basis and due process in the arrest and detention of the two prisoners of conscience, Jehovah's Witnesses also commented on government suggestions that it had to give permission for people to exercise their freedom of religion or belief.

They noted that former UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir had in her 2010 annual report reiterated that "governments should widely inform the population, including appropriate law enforcement agencies, about the principle that registration does not constitute a precondition for practicing ones religion or belief" (A/65/207).

In an opinion, adopted on 2 December 2015 (A/HRC/WGAD/2015) and transmitted that same month to Azerbaijan's government, which Forum 18 has seen, the Working Group condemned the arrest and continued detention of the two prisoners of conscience. It found that Azerbaijan has broken three articles of both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

"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 ["Freedom of thought, conscience and religion"] of the UDHR and article 18 ["Freedom of thought, conscience and religion"] of the ICCPR."

The Working Group also found that the two prisoners of conscience "have been deprived liberty for the reason of discrimination based on their religion in violation of article 7 ["Right to equality and non-discrimination"] of the UDHR and article 26 ["Right to equality and non-discrimination"] of the ICCPR."

It also considered that the "non observance of the international norms established in article 9 ["Freedom from arbitrary arrest, detention or exile"] of the UDHR and article 9 ["Liberty and security of person"] of the ICCPR is of such gravity as to give the deprivation of liberty of Ms. Zakharchenko and Ms. Jabrayilova arbitrary character."

In conclusion, the Working Group called on Azerbaijan to release both prisoners of conscience, "and accord them an enforceable right to compensation in accordance with article 9(5) of the ICCPR".

ICCPR Article 9(5) states that "Anyone who has been the victim of unlawful arrest or

detention shall have an enforceable right to compensation". Azerbaijan ratified the ICCPR in 1992.

UN Human Rights Committee also demands Zakharchenko's release

In response to a separate appeal in Zakharchenko's case, lodged on 27 November 2015 because of her critical state of health, the UN Human Rights Committee asked for "interim measures" from the Azerbaijani authorities, according to a 3 December 2015 letter from the Committee seen by Forum 18.

The Committee asked that Zakharchenko be freed from prison urgently while it continued to investigate the substance of the complaint. The Committee communicated this request to the Azerbaijani authorities immediately.

Postponed again

On 14 January 2016, Judge Qahramanov of Baku's Pirallahi District Court again postponed the trial of prisoners of conscience Zakharchenko and Jabrayilova. He claimed that he could not hold the hearing without Zakharchenko, whose poor health did not allow her to appear in court.

Jehovah's Witnesses told Forum 18 that they see no reason why a hearing to decide on prisoner of conscience Jabrayilova's request to be transferred from prison needs to be delayed. She has her own lawyers and is available to attend court.

Prisoner of conscience Zakharchenko's lawyer Konul Talibova intends to ask the Court to comply with the UN Working Group's call for her to be released from prison and compensated. "The postponement of the hearing to deal with a motion for release on the ground that she has health problems and hence cannot be physically present in person is somewhat disingenuous in these circumstances," Jehovah's Witnesses told Forum 18.

The defence team for both prisoners of conscience have already asked the Court to free both women in line with the Working Group's opinion, but have been denied the opportunity to do this in person (see below).

Long-running trial

Prisoners of conscience Zakharchenko and Jabrayilova have been in pre-trial detention since their arrest in February 2015 and are being tried under Criminal Code Article 167-2.2.1. Article 167-2 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", and Article 167-2.2.1 applies this "crime" to an "organised group" with a punishment of a fine or imprisonment for two to five years. Both prisoners of conscience deny any guilt in exercising their right to freedom of religion or belief.

The criminal trial began with a preliminary hearing on 10 December 2015. The next hearing – on 17 December - was open and was attended by a number of local Jehovah's Witnesses and immediate relatives of both women. The prisoners of conscience were represented by their own lawyers, plus a state-appointed defence lawyer for Zakharchenko.

Prisoner of conscience Zakharchenko's state-appointed lawyer asked for a copy of the religious publication she is accused of distributing, a booklet called "Teach Your Children". The judge refused to satisfy this application, arguing that the problem was not in the publication, but in distributing it without proper permission.

Prisoner of conscience Jabrayilova's own lawyer, Yashar Musayev, applied for her to be able to sit beside him rather than in the courtroom's metal cage. Judge Qahramanov refused this, claiming it would violate security rules.

"Exhausted and manifestly under considerable emotional stress"

Prisoner of conscience Zakharchenko's own lawyer Talibova applied for the prisoner of conscience to be transferred to house arrest, referring to the UN Human Rights Committee's 3 December request for her urgent release from prison. Judge Qahramanov refused to attach the Committee's letter to the case file, claiming this was because it was a copy rather than the original.

But Talibova did succeed in getting prisoner of conscience Zakharchenko transferred on 2 January 2016 to a prison hospital, Jehovah's Witnesses told Forum 18. They are pleased Zakharchenko is receiving some medical treatment in the prison hospital, but expressed continued concern over Jabrayilova as she is "exhausted and manifestly under considerable emotional stress".

The next trial hearing was held on 7 January, but lasted for only about 10 minutes. The trial was then adjourned to the morning of 14 January.

The alleged reason for the 7 January adjournment was that Zakharchenko was not present and Judge Qahramanov did not want to proceed without her. The adjournment meant that the prisoners of consciences' lawyers were unable to file for the women to be freed and compensated, based on the UN Working Group's opinion. So the defence team had to lodge the application to Pirallahi District Court by post.

Smell of sewage in cage cell "suffocating"

Prisoner of conscience Jabrayilova described conditions in the then-NSM secret police Investigation Prison as bad. The two women were held there from February until 4 December 2015. "She called her confinement room a 'cage', rather than a cell, in that there was no privacy and everything was exposed to the sight of others," Jehovah's Witnesses note. "The smell of sewage in this 'cage' was suffocating."

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

Officials constantly demanded money. Prisoners who shared the cell stated that they had been asked to pay bribes of 30,000 Manats (about 166,430 Norwegian Kroner, 17,230 Euros, or 18,800 US Dollars) to get out.

Jabrayilova noted that conditions at the Justice Ministry's Kurdakhani Investigation Prison, to which they were transferred in early December 2015, were much better than at the secret police Investigation Prison. The Justice Ministry Investigation Prison is in Kurdakhani, in Sabunchu District in north-eastern Baku.

Conscientious objection excuse condemned

The Working Group's December 2015 opinion also condemned Azerbaijan's use of conscientious objection to military service as an excuse to detain the two prisoners of conscience, as well as the absence of any alternative civilian service provision.

"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," the Working Group notes.

"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.'

Also in 2009, the Human Rights Committee called on Azerbaijan to "take steps to ensure full respect for the right of freedom of religion or belief and ensure that its legislation and practices conform fully to the requirements of article 18 of the Covenant".

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".

One conscientious objector, 20-year-old Kamran Shikhaliyev, is serving a one-year sentence in a military disciplinary unit in Salyan Region south of Baku. This is his second consecutive sentence on the same charges.

There are no signs that the government has any intention of keeping this promise and it has repeatedly prosecuted Jehovah's Witnesses for refusing to do compulsory military service. This has resulted in cases brought to the European Court of Human Rights (ECtHR) in Strasbourg (see Forum18's Azerbaijan religious freedom survey

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

Both women are in bad health conditions

HRWF (11.01.2016) – **In its Opinion No 42/2015 concerning Irina Zakharchenko and Valida Jabrayilova (Azerbaijan) published on 15th December 2015, the UN Working Group on Arbitrary Detention asked that Azerbaijan release Irina Zakharchenko and Valida Jabrayilova. 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. Jabraylova, 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. Jabrayilova in the midst of their religious activity. The officers accused them of preaching illegally. Following the arrest, the police took Ms. Zakharchenko and Ms. Jabrayilova to the station for questioning. After several hours, they were released without charges.

Reportedly, that day Ms. Zakharchenko and Ms. Jabraylova 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.
