

AZERBAIJAN

Jehovah's Witnesses

Valida JABRAYILOVA

Age: 38 years

Date and place of arrest: On 17th February 2015, in Baku

Charges: Illegally distributing religious literature without permission

Statement of the defendant: She says she was distributing religious literature.

Article of the criminal/civil/administrative code: 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)

First court decision: On 17th February 2015, a criminal case against was opened against her at Baku's Sabail District Court.

Second court decision: On 4th July 2015, she was given two additional months of pre-trial detention by a Baku court.

Last court decision: On 4th September 2015, the prosecutor's request to extend the pretrial detention until 17th December 2015 was granted by the Sabail District Court.

Place of detention: AZ-1104, Baki shahari, Sabunchu rayonu, Zabrat-2 qasabasi, Baki Istintaq tacridxanasi

Date of release: On 28th January 2016

Irina ZAKHARCHENKO

Age: 54 years

Date and place of arrest: On 17th February 2015, in Baku

Charges: Illegally distributing religious literature without permission

Statement of the defendant: She says she was distributing religious literature.

Article of the criminal/civil/administrative code: 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)

First court decision: On 17th February 2015, a criminal case against was opened against Zakharchenko at Baku's Sabail District Court.

Second court decision: On 4th July 2015, she was given two more months of pre-trial detention by a Baku court.

Last court decision: On 4th September, the prosecutor's request to extend the pretrial detention until 17th December 2015 was granted by the Sabail District Court.

Place of detention: AZ-1104, Baki shahari Sabunchu rayonu Zabrat-2 qasabasi Baki Istintaq tacridxanasi

Date of release: On 28th January 2016

Other information: On 2nd December 2015, the UN Working Group on Arbitrary Detention urged Azerbaijan to transfer her to a medical facility or a house arrest. She is 80% disabled due to severe arthritis and an injury to her right leg. She faces a fine or imprisonment of between two and five years. Judge Akram Qahramanov of Baku's Pirallahi District Court rejected defense applications to transfer the two women out of prison that were filed on 10th December and 17th December 2015.

Muslims

Said Nursi Followers

Eldeniz HAJIYEV

Age: 41 years

Place of residence: Baku

Date and place of arrest: On 12th April 2014, in Baku

Charges: Creation of a group carrying out illegal activities under the pretext of spreading a religious faith

Statement of defendant: He claims it was a gathering of thirty-forty people to study the works of the late Turkish Muslim theologian, Said Nursi, and the Koran.

Articles of the criminal/civil/administrative code: 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) and 168.2 (When cases of Criminal Code Article 168.1 [creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it] involves children, which carries a maximum punishment of three years imprisonment).

First court decision: On 14th April 2014, he was sentenced to two months in pre-trial detention by Baku's Sabail District Court.

Second court decision: On 7th October 2015, he was sentenced to four years and five months in prison.

Last court decision: On 16th April 2016, his sentence was reduced to 2 ½ years by the Baku Apellation Court.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanası, Parlament Prospekti 14, Baku AZ-1006)

Source: <http://www.contact.az/docs/2016/Social/041900153426en.htm#.WICCQRsrLIU>

Shahin HASANOV

Place of residence: Baku

Date and place of arrest: In April 2014, in Baku

Charges: Creation of a group carrying out illegal activities under the pretext of spreading a religious faith

Statement of defendant: He claims it was a gathering of thirty-fourty people to study of the works of the late Turkish Muslim theologian, Said Nursi, and the Koran.

Article of the criminal/civil/administrative code: Criminal Code Articles 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), 168.1 (Creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it. Fines are between 7,000 and 9,000 Manats [approximately 3,500-4,500 Euro], with the maximum prison term being two years) and 168.2 (when cases of 168.1...involves children, which carries a maximum sentence of three years).

First court decision: On 7th October 2015, the Yasamal District Court of Baku sentenced him to five years in prison from the date of his initial detention.

Last court decision: On 16th April 2016, his sentence was suspended under Article 70 of the Criminal Code [conditional condemnation] by the Baku Appellation Court.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006) until 12th September 2014.

Date of release: On 16th April 2016

Source: <http://www.contact.az/docs/2016/Social/041900153426en.htm#.WICCQRsrLIU>

Ismayil MAMMADOV

Place of residence: Baku

Date and place of arrest: On 12th April 2014, in Baku

Charges: Creation of a group carrying out illegal activity under the pretext of spreading a religious faith

Statement of defendant: He says it was a gathering of thirty-fourty people to study of the works of the late Turkish Muslim theologian, Said Nursi, and the Koran.

Article of the criminal/civil/administrative code: Criminal Code Articles 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) and 168.2 (When cases of Criminal Code Article 168.1 [creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of

duties established by law, as well as leadership of such a group or participation in it] involves children, which carries a maximum punishment of three years imprisonment).

First court decision: On 14th April 2014, he was sentenced to two months in pre-trial detention by Baku's Sabail District Court.

Second court decision: On 7th October 2015, he was sentenced to five years five months in prison from the date of his initial detention by the Yasamal District Court of Baku.

Last court decision: On 16th April 2016, his sentence was reduced to 2 ½ years by the Baku Appellation Court.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006)

Other information: He is the brother of Zakariyya MAMMADOV.

Source: <http://www.contact.az/docs/2016/Social/041900153426en.htm#.WICCQRsrLIU>

Zakariyya MAMMADOV

Place of residence: Baku

Date and place of arrest: On 12th April 2014, in Baku

Charges: Creation of a group carrying out illegal activity under the pretext of spreading a religious faith

Statement of defendant: He said it was a gathering of thirty-forty people to study of the works of the late Turkish Muslim theologian, Said Nursi, and the Koran.

Article of the criminal/civil/administrative code: Criminal Code Articles 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) and 168.1 (Creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it. Fines are between 7,000 and 9,000 Manats [approximately 3,500-4,500 Euro], with the maximum prison term being two years).

First court decision: On 14th April 2014, he was sentenced to two months in pre-trial detention by Baku's Sabail District Court.

Second court decision: On 7th October 2015, the Yasamal District Court of Baku sentenced him to five years in prison from the date of his initial detention.

Last court decision: On 16th April 2016, his sentence was suspended under Article 70 of the Criminal Code [conditional condemnation] by the Baku Appellation Court.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006) until 12th September 2014

Date of release: On 16th April 2016

Source: <http://www.contact.az/docs/2016/Social/041900153426en.htm#.WICCQRsrLIU>

Revan SABZALIEV

Date and place of arrest: On 23rd May 2014, in Baku

Charges: Creation of a group carrying out activity under the pretext of spreading a religious faith

Statement of the defendant: He says he was studying the works of the late Turkish Muslim theologian, Said Nursi, alongside others to help their understanding of the Koran.

Article of the criminal/civil/administrative code: Criminal Code Article 168.2 (When cases of Criminal Code Article 168.1 [creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it] involves children, which carries a maximum punishment of three years imprisonment)

First court decision: On 4th August 2014, his pre-trial detention was extended for a further two months.

Second court decision: On 7th October 2015, the Yasamal District Court of Baku sentenced him to 1 ½ years in prison.

Last court decision: On 19th April 2016, his sentenced was further reduced to a year by the Baku Apellation Court, and he was released in the court room.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006)

Date of release: On 19th April 2016

Source: <http://www.contact.az/docs/2016/Social/041900153426en.htm#.WICCQRsrLIU>

Sunni Muslims

Azad GAFAROV

Date and place of arrest: On 26th February 2015, in Baku

Charges: Selling religious material without authorisation

Article of the criminal/civil/administrative code: 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. Punishments for first time offenders are a fine of 5,000 to 7,000 Manats [approximately 2,500 – 3,500 Euro], or up to two years' imprisonment)

First court decision: On 28th February 2015, he was sentenced to pre-trial detention.

Last court decision: In early July 2015, he was given a sentence between six and fifteen months, the length is not known with certainty.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006)

Other information: He was connected with the Sunni Lezgin Mosque in Baku's Old City, where Imam Qarayev had led prayers until his arrest. The government intended to forcibly close the Mosque, one of many Sunni mosques the government has closed.

Eyvaz MAMMADOV

Date and place of arrest: On 24th February 2015, in Baku

Charges: Selling religious material without authorisation

Article of the criminal/civil/administrative code: 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. Punishments for first time offenders are a fine of 5,000 to 7,000 Manats [approximately 2,500 – 3,500 Euro], or up to two years' imprisonment)

First court decision: On 26th February 2015, he was sentenced to pre-trial detention.

Last court decision: In late July 2015, he was sentenced to nine months in prison by Judge Rashad Abdulov of Baku's Narimanov District Court.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006)

Other information: He was connected with the Sunni Lezgin Mosque in Baku's Old City, where Imam Qarayev had led prayers until his arrest. The government intended to forcibly close the Mosque, one of many Sunni mosques the government has closed.

Imam Mubariz QARAYEV

Age: 40 years

Date and place of arrest: On 24th February 2015, in Baku

Charges: Selling religious material without authorisation

Article of the criminal/civil/administrative code: 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. Punishments for first time offenders are a fine of 5,000 to 7,000 Manats [approximately 2,500 – 3,500 Euro], or up to two years' imprisonment)

First court decision: On 26th February 2015, he was sentenced to pre-trial detention.

Last court decision: In early July 2015, he was handed a sentence between six and fifteen months. The length is not known with certainty.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006). Friends of his report that they believe he was transferred to Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District (AZ-1104, Baki shahari, Sabunchu rayonu, Zabrat-2 qasabasi, Baki Istintaq tacridxanasi).

Other information: Qarayev is the imam of Lezgin Mosque in Baku's Old City, one of the many Sunni Muslim mosques the government seeks to shut down.

Source: http://www.forum18.org/archive.php?article_id=2088

Shia Muslims

Jeyhun JAFAROV

Age: 43 years

Date and place of arrest: On 10th March 2015, in Baku

Charges: Treason

Statement of the defendant: He thinks he was arrested for being a translator of Islamic works and public broadcasts.

Article of the criminal/civil/administrative code: Criminal Code Article 274 (State betrayal, that is deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to the enemy side, espionage, distribution of state secrets to a foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic. Punishments include possibly confiscation of property and twelve years to life imprisonment)

First court decision: On 12th March 2015, he was sentenced to four months in pre-trial detention by the Sabail District Court.

Last court decision: On 9th July 2015, his pre-trial detention was extended by a further four months.

Place of detention: Baku's NSM secret police investigation prison (Milli Tahlükasizlik Nazirliyinin, Istintaq Tacridxanası, Parlament Prospekti 14, Baku AZ-1006)

Other information: As of late January 2016 he was still jailed.

Source: https://www.uscirf.gov/sites/default/files/USCIRF_Tier2_Azerbaijan.pdf

Elshan Mustafaoglu MUSTAFAYEV

Age: 41 years

Date and place of arrest: In December 2014, in Baku

Charges: Treason, spying for Iran

Statement of the defendant: He rejects the accusations.

Article of the criminal/civil/administrative code: Criminal Code Article 274 (State betrayal, that is deliberate action committed by a citizen of the Azerbaijan Republic to the detriment of the sovereignty, territorial integrity, state security or defensibility of the Azerbaijan Republic: changeover to the enemy side, espionage, distribution of state secrets to a foreign state, rendering assistance to a foreign state, foreign organization or their representatives in realization of hostile activity against the Azerbaijan Republic. Punishments include possibly confiscation of property and twelve years to life imprisonment)

Place of detention: Baku

Other information: He was sent by Azerbaijan's Education Ministry to study in Iran in the 1990s, 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. In 2011 Mustafayev co-founded the Initiative Group for the Support of the Human Rights of Religious Citizens, which helped to organize a

petition to President Ilham Aliyev against the 2010 ban on the hijab in schools and universities. After two years studying in Norway, he returned to Baku in early 2014 and worked with the state-backed Spiritual Board of Muslims of the Caucasus.

Source: <http://www.rferl.org/a/azerbaijani-theologian-faces-spy-charges/28163683.html> and http://forum18.org/archive.php?article_id=2203

Comment

The Muslim Unity Movement in Azerbaijan

On 5th February 2016, General Prosecutor Zakir Qaralov announced that sixty-eight Shias had been arrested as part of the crackdown on the Muslim Unity Movement, fifty-seven of which were arrested in and around Baku, and another eleven in Gyanja and elsewhere.

Since the movement started in November-December 2015, authorities have repeatedly claimed that supporters of the movement have been preparing to overthrow the government and have been storing weapons and ammunition. This could not be confirmed by third parties.

What is the Muslim Unity Movement?

Is it a religious entity, a political movement, or a civil society organisation? *Human Rights Without Frontiers* tried to answer this question before deciding whether or not to include these prisoners in its annual Freedom of Religion or Belief (FoRB) Prisoners Database, 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 programme.

The organisation'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 Tale 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 means it is a civil society organization and not a religious entity likely to enjoy the protection of Article 18 of the ICCPR, Article 6 of the 1981 UN Declaration of the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) or Article 9 of the European Convention in case an application would be filed with the European Court of Human Rights.

Consequently, HRWF does not recognize those members of the Muslim Unity Movement as FoRB prisoners but considers that they have the right to a fair trial and not to be tortured or

subjected to inhumane treatment. See more details at <http://bit.ly/2ccqOgL>.

The Muslim Unity Movement is mainly based in Nardaran, a stronghold of conservative Shia Islam on the outskirts of Baku, where about 8,000 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.