

## AZERBAIJAN

### Muslims

#### Said Nursi Followers

#### Eldeniz HAJIYEV

**Age:** 41 years

**Place of residence:** Baku

**Date and place of arrest:** On 12<sup>th</sup> 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 14<sup>th</sup> April 2014, he was sentenced to two months in pre-trial detention by Baku's Sabail District Court.

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

**Last court decision:** On 16<sup>th</sup> 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), and then in September 2016, he was transferred to a night-time detention centre in Baku.

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

#### Ismayil MAMMADOV

**Place of residence:** Baku

**Date and place of arrest:** On 12<sup>th</sup> 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-four 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 14<sup>th</sup> April 2014, he was sentenced to two months in pre-trial detention by Baku's Sabail District Court.

**Second court decision:** On 7<sup>th</sup> 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 16<sup>th</sup> April 2016, his sentenced 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 Tacridxanasi, Parlament Prospekti 14, Baku AZ-1006) and then in September 2016, he was transferred to a night-time detention centre in Baku

**Other information:** He is the brother of Zakariyya MAMMADOV.

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

### *Shia Muslims*

#### **Sardar BABAYEV**

**Date of birth:** 12 March 1974

**Date and place of arrest:** On 22<sup>nd</sup> February 2017, in the Masalli District

**Charges:** Leading worship after having gained theological education outside of Azerbaijan

**Article of the criminal/civil/administrative code:** Article 168-1.3.1

**Last court decision:** On 22<sup>nd</sup> February 2017, he was sentenced to pre-trial detention for one month and seven days by Judge Nemat Musayev of the Masalli District Court.

**Place of detention:** Kurdakhani Investigation Prison, AZ-1104, Baki Shahari, Sabunchu rayonu, Zabrat-2 qasabasi, Baki Istintaq tacridxanasi

**Other information:** He is an Imam and completed his studies at Al Mustafa University in Iran. His lawyer was unable to attend the first court hearing, for he was informed of it on extremely short notice. While in prison, he has been denied access to the Quran and to a prayer mat.

*Source:* [http://www.forum18.org/archive.php?article\\_id=2263](http://www.forum18.org/archive.php?article_id=2263)

## **Jeyhun JAFAROV**

**Age:** 43 years

**Date and place of arrest:** On 10<sup>th</sup> 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 12<sup>th</sup> March 2015, he was sentenced to four months in pre-trial detention by the Sabail District Court.

**Last court decision:** On 9<sup>th</sup> 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](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](http://forum18.org/archive.php?article_id=2203)

## **Comment**

### ***The Muslim Unity Movement in Azerbaijan***

On 5<sup>th</sup> 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 25<sup>th</sup> July 2016 that,

"[t]he Islamic Unity Movement is in favor of non-violent changes and the spread of democratic values." On 2<sup>nd</sup> 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.