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## **Four state agencies raid religious communities**

**By Felix Corley, Forum 18**

*Forum18 (19.12.2017) - [http://forum18.org/archive.php?article\\_id=2343](http://forum18.org/archive.php?article_id=2343) - Alongside police, secret police and State Committee for Work with Religious Organisations, a growing role in raids on religious communities and prosecutions seems to be played by Religious Affairs Commissions attached to local administrations. Fines of three months' average wages often follow raids.*

In 2017, officials of at least four state agencies have continued to raid and help punish individuals for exercising freedom of religion or belief. Alongside the police, State Security Service (SSS) secret police and State Committee for Work with Religious Organisations, a growing role in raids and prosecutions seems to be played by Religious Affairs Commissions attached to city or district administrations.

Joint raids by officials of the State Committee, the SSS secret police and the Religious Affairs Commission attached to the administration of Baku's Binaqadi District saw leaders of two mosques fined in November for violating the country's strict controls on who is allowed to conduct religious activities and where (see below).

Many Muslims and Jehovah's Witnesses have been fined in 2017 for meeting for worship or religious study, or for offering religious literature without specific state permission. Court bailiffs are also insisting that a Baptist fined in December 2016, but never given a written court decision, pay his fine by the end of 2017. Another Baptist fined with him is still trying to overturn his punishment, with his case now at the Supreme Court (see F18News 15 December 2017 [http://www.forum18.org/archive.php?article\\_id=2342](http://www.forum18.org/archive.php?article_id=2342)).

Fines are typically 1,500 Manats (7,350 Norwegian Kroner, 750 Euros or 890 US Dollars). This represents nearly three months' average wages for those with a formal job. However, for those in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden.

The State Committee still appears to be examining religious literature confiscated during joint police and SSS secret police raids on two homes in a village in the northern Qabala District. Two men might face punishment (see below).

The State Committee's Baku representative has arranged the liquidation of seven religious communities in the capital in 2017 for alleged violations of the law (see below).

The authorities continue to warn people not to exercise freedom of religion or belief on the streets. A Baku deputy police chief warned that commemorations and processions outside mosques on the Shia Muslim commemoration of Ashura (which this year fell on 1 October) would not be tolerated (see below).

Meanwhile, an Imam who led worship in a mosque after having gained his religious education abroad has failed to overturn a three-year prison term. He is the first Muslim known to have been punished for leading Muslim worship while having foreign religious education since this "crime" (which targets only Muslims) was introduced into the Criminal Code in 2015 (see below).

### ***Religious Affairs Commissions join raids***

The tasks assigned to Religious Affairs Commissions – introduced in local administrations in recent years – include: studying the local religious situation, detecting unregistered but active religious communities, and working "to eliminate radical, extremist tendencies among believers".

Such Religious Affairs Commissions are supposedly advisory bodies and act closely with local State Committee officials. Typically, such Commissions have about 15 members. They are led by a deputy head of a city or district administration and include police officers and Muslim clerics from the state-backed Caucasian Muslim Board.

The presence of clerics from the Muslim Board on these commissions means that officials of one religious community have a role in cracking down on members of different religious communities, whether non-Muslim or Muslims who are not affiliated with the state-backed Muslim Board.

### ***Binaqadi: Two Muslims fined***

On 17 October, officials of the State Committee, the SSS secret police and the administration of Baku's Binaqadi District inspected local places of worship. Officials found violations of the law at two religious communities, the Binaqadi Muslim community and the Irfan Muslim community, the State Committee said the following day on its website. The State Committee claimed "illegal religious rituals" (which it did not identify) were taking place in the two mosques.

State Committee officials prepared records of an "offence" against two local Muslims, Jalal Ahadov and Ramin Hasanzade. The cases were then handed to Binaqadi District Court. Both were accused of violating Administrative Code Article 515.0.2 and Article 515.0.3.

Article 515.0.2 punishes "Violating legislation on holding religious meetings, marches, and other religious ceremonies". The fine for individuals for this "offence" is between 1,500 and 2,000 Manats

Article 515.0.3 punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious

bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

On 3 November, Binaqadi District Court found Ahadov guilty and fined him 1,500 Manats, court officials told Forum 18 on 15 December. He lodged an appeal to Baku Appeal Court. However, on 24 November, Judge Namiq Mammadov rejected his appeal, according to court records.

On 7 November, Binaqadi District Court similarly fined Hasanzade 1,500 Manats, court officials added. He lodged an appeal to Baku Appeal Court, which is due to be heard by Judge Mirpasha Huseynov on the morning of 20 December, according to court records.

Aygun Aliyeva is the deputy chair of Binaqadi District Administration overseeing the District's Religious Affairs Commission. Forum 18 was unable to reach her between 13 and 18 December. Her assistant said on 14 December that she was in a meeting. All other calls went unanswered.

The man who answered the phone of Anar Kazimov, the Baku city representative of the State Committee, refused to discuss the raids on the two Binaqadi Muslim communities and the fines on two of their members. "You must talk to the State Committee's press service," the official told Forum 18 on 13 December. He then put the phone down.

The woman who answered the phone at the press office of the State Committee in Baku on 15 December did not respond when Forum 18 asked if it was the press office. She eventually put the phone down. Called back, the line had been switched to a fax machine.

### ***Qabala: Raids, literature seizures***

On 12 September, Qabala District Police and the SSS secret police raided two homes in the village of Vandam in northern Azerbaijan as part of an operation, the Interior Ministry noted on its website the same day. Officers seized 77 religious books "whose distribution has been banned", 14 CDs, 11 video and audio cassettes and one "handmade dagger" from the homes of Bahruz Qasimov and Elman Tahirov. The Ministry described the two men as being suspected of "propaganda of religious radicalism".

Officers took Qasimov and Tahirov to the District Police station. They sent the seized items to the State Committee in Baku for an "expert examination".

The telephone of Lieutenant Nijat Humbataliyev, the head of the Police in Vandam, went unanswered each time Forum 18 called on 18 December.

Qabala District Court told Forum 18 on 18 December that no administrative cases against Qasimov and Tahirov have reached the court. Forum 18 has been unable to find out if any cases are being prepared.

Gunduz Pashayev, the representative of the State Committee for the region including Qabala, said that his office had no role in the raids in Vandam. "Other agencies were involved," he told Forum 18 from Sheki on 13 December. "This is the business of the police and the State Security Service. They don't inform us."

Pashayev said that when the police or SSS secret police seize religious literature, they send one copy of each publication directly to the State Committee in Baku with an accompanying letter. He insisted his office has "no right" to seize religious literature or to give an "expert opinion" on it.

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 (see F18News 1 October 2015 [http://www.forum18.org/archive.php?article\\_id=2107](http://www.forum18.org/archive.php?article_id=2107)).

Pashayev said he did not know how many religious books have been banned. "The State Committee doesn't send us a list of banned books," told Forum 18. "We don't have such a list." Asked how people (including himself) can know if a religious book has been banned, he responded: "The State Committee can tell us if we encounter such a book."

### ***Baku: Seven religious communities liquidated***

Seven religious communities in Baku were liquidated in 2017 for failing to comply with the requirements of the law, the city's State Committee representative Kazimov told a 15 December meeting of national and regional State Committee officials, according to a report on its website the same day. This makes any continuing exercise of the right to freedom of religion or belief by these communities illegal and punishable.

The State Committee report did not identify the communities, nor what they might have done to fail to comply with the law. If the communities had legal status, the State Committee would have been required to bring a suit to court to liquidate them. Forum 18 has been unable to identify which communities have been liquidated or why.

The State Committee website lists 25 religious communities which managed to gain state registration in 2017. All are Muslim. In addition, ten Muslim colleges gained state registration in 2017. The last non-Muslim religious community allowed to gain state registration was the Jewish community in the northern town of Oguz, registered in December 2016.

All religious communities must have state registration before they can legally function. However, many communities (like the Baptist church in the northern town of Aliabad) are arbitrarily denied such registration. Muslim communities outside the framework of the state-backed Muslim Board are banned, although this is not enshrined in any law (see Forum 18's Azerbaijan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2081](http://www.forum18.org/archive.php?article_id=2081)).

### ***Baku: Ban on worship outside religious buildings reaffirmed***

The authorities have repeated their ban on exercising freedom of religion or belief on the streets. The latest such warning came in Baku on 30 September, the day before the Shia Muslim community commemorated the martyrdom of the Muslim prophet Muhammad's son-in-law Imam Ali on the festival of Ashura.

"The conducting of ceremonies and street processions outside areas specially-designated for this will not be allowed," a deputy head of Baku Police, Major-General Sahlab Bagirov, was quoted by APA news agency as declaring.

The government has long sought to ban praying around mosques when no more room is available inside, sharing one's beliefs or religious literature on the streets, religious-inspired processions and demonstrations, and banners on the streets (see Forum 18's Azerbaijan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2081](http://www.forum18.org/archive.php?article_id=2081)).

### ***Masalli: Imam fails to overturn prison term***

Shia Imam Sardar Akif oglu Babayev (born 12 March 1974) has failed to overturn the three-year prison term handed down by a court in the southern town of Masalli. He was punished for leading worship in a Muslim community after having gained his religious education outside Azerbaijan. He was sentenced under Criminal Code Article 168-1.3.1.

Criminal Code Article 168-1 punishes "violation of the procedure for religious propaganda and religious ceremonies", including by conducting of Islamic rites by a citizen who has received their education abroad. Article 168-1.3.1 punishes those who commit such violations "repeatedly", with a prison term of between two and five years.

Article 168-1 was added to the Criminal Code in December 2015 as part of a hastily-prepared package of amendments to a variety of laws. Officials did not explain why those who conduct Islamic rituals are singled out for especially harsh punishment (see F18News 16 December 2015 [http://www.forum18.org/archive.php?article\\_id=2134](http://www.forum18.org/archive.php?article_id=2134)).

Imam Babayev, who is married with three children, was the first known individual to have been punished for this "crime".

Police arrested Imam Babayev on 22 February. Masalli District Court handed down the three-year prison sentence on 3 July (see F18News 10 July 2017 [http://www.forum18.org/archive.php?article\\_id=2295](http://www.forum18.org/archive.php?article_id=2295)).

On 25 September Judge Rafik Jafarov of Shirvan Appeal Court rejected Imam Babayev's appeal, according to the decision seen by Forum 18.

Babayev's lawyers argued that no law should have retroactive force. They pointed out that the Imam had gained his religious education in Iran before the law banned those with such foreign religious education from leading Muslim worship. They also pointed out that leading officials of the state-backed Muslim Board had similarly gained religious education outside Azerbaijan.

Imam Babayev's lawyers also noted that in May 2017, parliament amended the Religion Law to allow the Muslim Board to gain exemptions to these restrictions provided the state gives specific agreement for any individual (see F18News 10 July 2017 [http://www.forum18.org/archive.php?article\\_id=2295](http://www.forum18.org/archive.php?article_id=2295)).

One of Imam Babayev's lawyers, Javad Javadov, notes that Criminal Code Article 168-1 violates Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which guarantees the right to freedom of thought, conscience and religion.

Javadov also complained to Caucasian Knot news service on 25 September of the police blockade of the court in an apparent attempt to stop Muslims who support Imam Babayev from attending the appeal hearings.

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## **Fines follow police raids on worship**

**By Felix Corley, Forum 18**

*Forum18 (15.12.2017) - [http://forum18.org/archive.php?article\\_id=2342](http://forum18.org/archive.php?article_id=2342) -Azerbaijan continues to raid religious communities meeting without state permission, and large fines are normally then imposed. After one such raid an Aliabad Baptist has been told he must pay a fine of over three months average salary by the end of 2017.*

Despite never receiving a written decision in the year since a court in December 2016 fined a Baptist from Aliabad in Azerbaijan's northern Zakatala [Zaqatala] District, the court is insisting that Mehman Agamammadov pay a fine equivalent to over three months average salary by the end of 2017. While objecting to the fine to punish him for meeting with others for worship without state permission, he managed to pay a third of the fine. A Baptist Pastor fined with him is still trying to challenge his fine, which he has not paid.

The two fines were handed down after police and the local official of the State Committee for Work with Religious Organisations raided a meeting for worship in November 2016 because the church does not have the compulsory state registration (see below).

In 2017 religious communities have continued to be raided by officials of several state agencies. The latest such raids have included raids in the capital Baku, as well as in the north-eastern town of Quba and the central town of Barda. Following the raids, individuals have given large fines for exercising freedom of religion or belief without state permission (see below).

The government imposes severe controls on who is allowed to meet for worship and where. All religious communities must have state registration before they can legally function. However, many communities (like the Baptist church in Aliabad) are arbitrarily denied such registration. Muslim communities outside the framework of the state-backed Muslim Board are banned, although this is not enshrined in any law (see Forum 18's Azerbaijan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2081](http://www.forum18.org/archive.php?article_id=2081)).

Fines are typically 1,500 Manats (7,350 Norwegian Kroner, 750 Euros or 890 US Dollars). This represents nearly three months' average wages for those with a formal job. However, for those in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden.

The woman who answered the phone at the press office of the State Committee in Baku on 15 December did not respond when Forum 18 asked if it was the press office. She eventually put the phone down. Called back, the line had been switched to a fax machine.

### ***Aliabad: Year-old fine enforced with no written decision***

One year after a court in the northern town of Zakatala imposed a fine of 1,500 Manats on two Baptists in the nearby village of Aliabad, officials have demanded that one of the two - Mehman Agamammadov - pay his fine by the end of 2017. Agamammadov had not paid his fine, both because he did not believe he should have been fined for meeting with others for worship without state registration and because the court refused to give him the decision in writing.

Aliabad's Baptist Church has been trying to gain state registration since 1994, but like many other religious communities has faced repeated official obstruction (see Forum 18's Azerbaijan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2081](http://www.forum18.org/archive.php?article_id=2081)). One of the Church's pastors, former prisoner of conscience Zaur Balaev, was imprisoned on false charges from May 2007 to March 2008 (see F18News 19 March 2008 [http://www.forum18.org/Archive.php?article\\_id=1102](http://www.forum18.org/Archive.php?article_id=1102)).

Another pastor of the Church, former prisoner of conscience Hamid Shabanov, was held in pre-trial detention from June to November 2008. In February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were also fabricated to punish him for exercising his freedom of religion and belief (see F18News 12 February 2009 [http://www.forum18.org/Archive.php?article\\_id=1254](http://www.forum18.org/Archive.php?article_id=1254)).

The State Committee in Baku most recently wrote to the community on 22 November 2017. The letter from the head of the State Committee Legal Department Sabina Allahverdiyeva, seen by Forum 18, warned the Church that it cannot meet for worship without state registration.

The Church has been unable to meet together for worship since a November 2016 raid by police and the local State Committee official, which led to the fines on Pastor Shabanov and Agamammedov (see F18News 17 January 2017 [http://forum18.org/archive.php?article\\_id=2247](http://forum18.org/archive.php?article_id=2247)).

"This is very painful, because the Church in Aliabad cannot function," Baptist Pastor Ilya Zenchenko told Forum 18 from Baku on 14 December 2017. "It is a violation of our constitutional rights, our right to meet for worship."

In a 15-minute hearing at Zakatala District Court on 12 December 2016, Judge Arif Ismayilov found both Pastor Shabanov and Agamammadov guilty. He fined them each the minimum fine, 1,500 Manats. Pastor Shabanov managed to get the written decision only in January 2017. Agamammadov never received the written decision, despite repeated attempts to get it from the court (see F18News 17 January 2017 [http://www.forum18.org/archive.php?article\\_id=2247](http://www.forum18.org/archive.php?article_id=2247)).

Both Baptists were punished under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). The fine for individuals for this "offence" is between 1,500 and 2,000 Manats (see F18News 2 June 2016 [http://www.forum18.org/archive.php?article\\_id=2184](http://www.forum18.org/archive.php?article_id=2184)).

The refusal by the Court to issue its decision in writing (as the law requires) denied Agamammadov the possibility of appealing against the punishment.

"After insistent demands from the court bailiff that he must pay this 'urgently', Mehman paid 500 Manats in early December," fellow church members told Forum 18 from Aliabad on 14 December 2017. "But the bailiff is insisting that he must pay the rest by the end of the year. Of course he's not happy – this is a lot of money."

Judge Ismayilov insisted that he needs to look back at the paperwork on Agamammedov's case. "I'll have to check, but let him appeal to us," he told Forum 18 from Zakatala on 14 December. "But it can't be that he didn't get the court decision in writing." The Judge refused to send Forum 18 a copy of his decision in the case.

Pastor Shabanov wished to appeal against his fine, but was not able to do so within the prescribed ten days of the issuing of the court decision. He then challenged the rejection of his request for the deadline to be extended, but on 21 June, Sheki Appeal Court rejected this suit.

On 11 October, Pastor Shabanov lodged a further suit to Azerbaijan's Constitutional Court, Baptists told Forum 18 from Aliabad. However, the Constitutional Court passed the suit to the Supreme Court. It claims to be still considering the suit and has not told Pastor Shabanov when any hearings might take place.

### **Quba: 12 men given large fines**

In late July, Quba District Court in north-eastern Azerbaijan found at least 12 men guilty of violating Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). All 12 men were fined 1,500 Manats each, the Court told Forum 18 on 13 December.

Judge Farid Yaqubov fined Vidadi Agamuradov, Eldeniz Shahbalayev and Sarkhan Mammadov on 24 July. The following day he fined Tarlan Sultanov. On 26 July he fined Rustam Karimov.

On 25 July, Judge Zamin Tahirov fined Elchin Hajiyev and Sakhavat Makhadov. The following day he fined Ibrahim Dovlatov, his brother Fazayil Dovlatov, Gunduz Bagirov, Aqil Hasanov and Elvin Allahverdiyev.

At least four of the men - Sultanov, Karimov, Hasanov and Ibrahim Dovlatov - appealed against their punishments to Sumgait Appeal Court. However, in successive hearings on 15 September, Judge Nazim Movsumov rejected the four men's appeals, according to court records.

Asked on 14 December why the 12 men had been punished for exercising freedom of religion or belief, Eynulla Nurullayev, the regional representative for the State Committee, told Forum 18: "I don't know." He then put the phone down.

### ***Quba: Muslim trying to overturn fine***

A 43-year-old Sunni Muslim, Eldeniz Hajiyev, is trying to overturn a fine imposed by Quba District Court in March to punish him for exercising freedom of religion or belief. He appealed against the punishment to Sumgait Appeal Court. Judge Farmayil Zeynalli held hearings on 1 and 13 December. The case is due to resume on 22 December, the Judge's assistant told Forum 18 on 14 December.

Hajiyev was among more than 20 Muslims punished after police raided a religious meeting in a home in Quba in March. Police accused participants of violating the Religion Law by holding a religious meeting without state permission. Quba District Court fined Hajiyev and the other Muslims 1,500 Manats each at hearings on 5 March, the day after the raid. All were punished under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). Sumgait Appeal Court rejected the men's appeals in April and May (see F18News 6 July 2017 [http://www.forum18.org/archive.php?article\\_id=2294](http://www.forum18.org/archive.php?article_id=2294)).

Former prisoner of conscience Hajiyev was among a group of five Sunni Muslim men sentenced for taking part in an April 2014 home religious study meeting in Baku. Armed police raided the meeting and arrested many participants. He subsequently received a 4 years and 5 months prison term. The other four men received prison terms of between 1 year, 7 months and 5 years, 5 months. In April 2016 these were reduced on appeal (see F18News 27 April 2016 [http://www.forum18.org/archive.php?article\\_id=2173](http://www.forum18.org/archive.php?article_id=2173)).

Hajiyev was transferred in September 2016 from prison to a Baku detention centre where he was free to leave in the daytime, provided he remained in the city, but had to return to the centre at night (see F18News 13 March 2017 [http://www.forum18.org/archive.php?article\\_id=2263](http://www.forum18.org/archive.php?article_id=2263)).

### ***Lokbatan: Cases threatened after meeting raided***

Police in Lokbatan on the south-western edge of Baku threatened a female Jehovah's Witness with an administrative case under Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies") to punish her for hosting a religious meeting in her home, Jehovah's Witnesses told Forum 18.

About eight police officers – with a court order - raided the woman's home as Jehovah's Witnesses were meeting. They seized religious literature, tablets and a notebook (which were later returned).

Officers took some attendees to the police station, where they interrogated them with questions such as: "Why do you not read the Koran, or go to the mosque? Why do you not go to the army?" Police took statements and then released the attendees after about five hours.

The same day, seven officers of Lokbatan Police also raided another religious meeting in the home of another local Jehovah's Witness. Officers seized religious literature and tablets and took the six people present to the police station. They released them after about four hours. In late June, an officer warned the homeowner that she would face an administrative case related to the seized religious literature.

Although officers initiated administrative cases against both householders, it appears the cases did not reach Baku's Qaradag District Court.

The authorities have previously raided Jehovah's Witnesses in Lokbatan meeting together for worship and study, for example in a 9 April 2015 raid. Police confiscated religious literature and one attendee, Georgian citizen Goderdzi Kvaratskhelia, was deported (see F18News 5 August 2015 [http://www.forum18.org/archive.php?article\\_id=2086](http://www.forum18.org/archive.php?article_id=2086)).

### ***Barda: Fined for hosting religious meeting***

An appeal by Jehovah's Witness Tunzala Mamishova has failed to overturn a fine imposed to punish her for hosting a religious meeting in her home in the central town of Barda in January 2017. On 29 March Judge Elshad Bayramov of Gyanja [Gäncä] Appeal Court upheld the fine of 1,500 Manats under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"), according to court records.

About 15 police officers raided Mamishova's home on 1 January as 18 people had gathered for a religious meeting. Officers, who refused to identify themselves, pushed their way in, filmed everyone present against their wishes and shouted insults, Jehovah's Witnesses told Forum 18. They seized religious literature.

Officers took everyone present to Barda District Police Station, including one man who was not allowed to put on his coat or shoes before being taken. One police officer, Vugar Mammadov, hit one female Jehovah's Witness, pulled her hair and threatened her with a sexual assault, Jehovah's Witnesses complained. Police arrested the attendees after forcing them to give statements.

The administrative case was brought against Mamishova as the host of the meeting. Judge Javid Tagiyev of Barda District Court fined her on 17 March, according to court records.

### ***Khatai: Fined for religious activity outside registered legal address***

Baku's Khatai District Court has punished Tale Suleymanov for exercising freedom of religion or belief outside the registered legal address of a state-registered religious organisation. He was charged under under Administrative Code Article 515.0.4 ("Religious associations operating away from their registered legal address"). On 21 July Judge Ibrahim Ibrahimli fined Seleymanov 1,500 Manats, Court officials told Forum 18 on 13 December. Fines under this Article for individuals are between 1,500 and 2,000 Manats (see F18News 2 June 2016 [http://www.forum18.org/archive.php?article\\_id=2184](http://www.forum18.org/archive.php?article_id=2184)).

Suleymanov appealed against his punishment to Baku Appeal Court. However, on 10 August Judge Mirpasha Huseynov rejected his appeal, according to court records.

The man who answered the phone of Anar Kazimov, the Baku city representative of the State Committee, refused to discuss the fine. "You must talk to the State Committee's press service," the official told Forum 18 on 13 December. He then put the phone down.

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## **Azerbaijan Court compensates Irina Zakharchenko and Valida Jabrayilova**

JW World Headquarters (11.12.2017) - <http://bit.ly/2Bf7LNj> - On August 4, 2017, a district court in Baku, Azerbaijan, awarded damages to Irina Zakharchenko and Valida Jabrayilova, two of Jehovah's Witnesses, for their unjust 11-month imprisonment. Although the monetary compensation was meager in comparison with the ill-treatment they suffered, the decision acknowledged that State authorities convicted them without grounds, caused them emotional and physical harm, and discredited their good reputation.

### **Supreme Court vindication leads to appeal for compensation**

On February 8, 2017, the Supreme Court of Azerbaijan acquitted Ms. Zakharchenko and Ms. Jabrayilova of the criminal charge of distributing religious literature without State permission. The Court found that the brochure in question, [\*Teach Your Children\*](#), had been approved for import and was not harmful to society. Additionally, the Court found that the women had the fundamental right to share their beliefs with others. The Supreme Court based its ruling on rights guaranteed by Azerbaijan's Constitution and by international treaties that Azerbaijan had ratified.

The Supreme Court left the issue of compensation in the hands of the civil courts. Subsequently, Ms. Zakharchenko and Ms. Jabrayilova complained to the Baku City Nasimi District Court, seeking damages from the Ministry of Finance because of their ill-treatment at the hands of the State Security Service (and its predecessor, the Ministry of National Security). Both women were present in court, even though Ms. Zakharchenko was not well. Judge Shahin Abdullayev allowed them briefly to recount their distressing experiences.

### **District court concedes mistreatment**

The district court's decision reconfirmed Azerbaijan's commitment to respect the fundamental rights of its citizens and partially satisfied the Witnesses' claims. Ms. Zakharchenko, whose health has been greatly affected by the ordeal, was awarded 9,744 manat (\$5,737 U.S.), while the younger Ms. Jabrayilova received 8,200 manat (\$4,828 U.S.). The decision stated: "The Court believes Plaintiffs' unlawful detention and unsubstantiated criminal prosecution resulted in moral damages."

The Ministry of Finance appealed the decision awarding damages to these two Witness women. On November 20, 2017, the Baku Court of Appeal dismissed the Ministry's appeal and left the district court's decision unchanged.

"[The] Azerbaijan Republic in its *Constitution* declares its highest aim is to guarantee human rights and freedoms, establishes the duty of the courts to restore human rights and freedoms—and in accordance with Article 41 of the *Convention* and the European Court case-law, when human rights and freedoms are violated, to restore to the previous state by means of just satisfaction."—Baku City Nasimi District Court, decision dated August 4, 2017.

### **Will the court decisions have a positive effect?**

Jehovah's Witnesses in Azerbaijan persevere in their worship in the face of serious violations of their fundamental right to religious freedom and threats to their personal security. They continue to face harassment, fines, and mistreatment when meeting together for worship and when engaging in their peaceful religious activity. The government has not implemented alternative civilian service for those who [conscientiously object to military service](#). Authorities have denied the Witnesses legal registration outside of Baku. There are currently 18 applications pending with the European Court of Human Rights and 11 complaints before the UN Human Rights Committee concerning the government's mistreatment of Jehovah's Witnesses in Azerbaijan.

Jehovah's Witnesses worldwide hope that the recent court rulings will encourage officials to honor the rights of their fellow believers in Azerbaijan.

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## **Radicalism and jihadism in Azerbaijan**

HRWF (28.10.2017) - <http://bit.ly/2xvauwY> - On 21 October 2017, contact.az posted a long article written by Kenan Rovshanoglu entitled "Religious freedom in independent Azerbaijan". The various sections are entitled as follows:

- Religion in Soviet times
- Legislation in the field of religion
- Import of religion into independent Azerbaijan
- Control increases
- Period of prohibitions (2006-2012)
- First armed religious groups and first arrests
- Jihadism and radicalization
- Government policy in the religious sphere: bans and pressures
- Conclusion

Below, we reproduce his article, except the part on religion in Soviet times.

In the conclusion, the journalist questions the effectiveness of Azerbaijan's fight against radical Islam.

### ***Legislation in the field of religion***

In 1991, the independence of Azerbaijan was restored and freedom of religion was declared in the country. On August 20, 1992, President Elchibey signed Decree No. 281, which passed the "Law on Freedom of Religion".

This law, which should be considered one of the most democratic legal acts in the history of Azerbaijan, recognized the freedom of all faiths, restored religious centers to believers, gave believers the right to freely disseminate the principles of their faith and create religious educational institutions. However, not everything in the law was perfect. Fearing the growing influence of the ideas of the Iranian Islamic revolution, the law forbade spiritual figures to be elected to the national parliament of Azerbaijan.

Because of the fear of radicalization of the religious sphere, this law was changed several times in the following years under the current regime: on June 7,

November 5 and December 27, 1996, on October 10, 1997, on November 23 2001, in 2009, in 2011, in the year 2015, the law was toughened and restrictions were imposed on it.

Tougher legislation that has taken place in the last 5 years prohibits foreigners from engaging in religious propaganda and people who have received religious education abroad to hold religious posts.

Strongly toughened bans in the religious sphere "Law on Struggle against Religious Extremism", adopted in December 2015.

### ***Import of religion into independent Azerbaijan***

As mentioned above, after the restoration of independence in 1991, freedom of religion was declared in Azerbaijan, and with the fall of the Iron Curtain, missionaries from Muslim countries, especially from Iran, Turkey and the Persian Gulf countries began to come to Azerbaijan.

Charitable foundations, which in the beginning came to the country as humanitarian or charitable organizations, soon began to create religious educational institutions. According to the Office of Religious Affairs of the Cabinet of Ministers, in 1993-2003 there were already about 150 madrassas in Azerbaijan. The activities of foreign funds were conducted by different countries in three main areas. The Shiite current was conducted mainly by Iran, the Sunni movement mainly by Turkey and Egypt, Salafi propaganda was conducted by the funds of Saudi Arabia and other countries of the Persian Gulf.

As already noted, about 65% of Azerbaijan's population consider themselves Shiites or come from traditional Shiite regions: Karabakh; Ganja and the areas around it; Aran; South Region; Mil Mugan; Baku and the surrounding areas are considered Shiite territories. Therefore, Iran's religious activities have become particularly successful in these regions. I agree with official data, out of 150 madrasahs in the country 22 are under the control of Iran, 14 of them were registered by the Ministry of Justice. The most famous among them are madrasahs in Goychay, Lenkoran, Jalilabad and Nardaran.

There are also representative offices in the country

- Ministry of Culture of Iran;
- Propaganda of Islam;
- Madrasah Coordination Organization;
- Organization for International Cultural Relations;
- International publishing house "Al-Khuda";
- Charitable Foundation "Imdad Khomeini";
- Representation of "Bali Fagih" (representation of the Supreme Religious Leader of Iran).
- Iran's prayer house in Baku - "Huseyniyya" is one of the most visited religious centers in the country.

The Ministry of Education of Turkey has opened five schools with a religious bias in the Turkish "Imam-Khatip" type in Baku, Sumgait, Shcheki, Mingechaur and Agdash.

According to the Office of Religious Affairs of the Cabinet of Ministers, in the following years, 26 mosques were built or restored to Turkish charity funds. In these mosques, events are held by Turkish religious figures.

In addition, under the auspices of Turkey in the country operate

- Madrasah "Khafizov and Islamic Sciences" in the cheeks,
- The Aliabad madrasah in Zagatala,
- Madrasah in Agdash
- and madrassas in Badamdar settlement of Baku.

The founders and long-time heads of the Faculty of Theology (İlahiyyət) of the Baku State University were the theologians invited from Turkey, the training was conducted according to the Turkish program, compiled according to the Sunni canons.

Another faculty of Theology was founded in the Guleni University "Caucasus" (today it is closed).

Some of the mosques of Baku Akhunds were appointed by the Ministry of Religious Affairs of Turkey. Aziz Makhmud Khudai (Youth Support Fund), Nur community (Sunuris), Fathulla Gülen communities developed active religious activities.

After the restoration of independence, especially in the mid-1990s, more than 15 Arab religious charitable organizations began to operate in Azerbaijan. The most active among them were the radical Salafist organizations.

Among the 65 mosques operating with financial support from the Arab countries, the 61st mosque was built by the "Fund for the Revival of the Islamic Heritage". Among them - four mosques are built in Baku.

Other Arab religious charities include

- Organization of Help "Al-Haramain",
- Committee of Muslims of Asia Kuwait (Kuwait),
- International Organization of Islamic Charity (Saudi Arabia),
- The World Islamic Youth Assembly (Saudi Arabia),
- International Islam Najat (Saudi Arabia),
- Dar al-Ber (United Arab Emirates).

Most of these organizations controlled the open or secret activities of the madrassas they built.

### **Control increases**

Since the mid-1990s, the government has gradually begun to tighten religious legislation, but this did not prevent foreign missionaries from freely carrying out

religious propaganda. However, since 1998, the authorities began to severely restrict the activities of Arab religious organizations. The most famous propagandist of Salafism in Azerbaijan Sheikh Salim Zaharna (preacher of Arab origin) was deported from Azerbaijan. Pressure on Arab religious organizations increased after the events of September 11, 2001 in New York, many of them were closed, and their leaders were deported from the country. The last Arab organization Dar al Bir was closed several years ago.

It was during this period that the authorities of Azerbaijan were seriously concerned about the rapid expansion of the religious segment of society. In addition, in those years, reports began to be received that the Azerbaijanis began to join foreign religious armed groups in such regions of the Sunni "jihad" as Afghanistan and Chechnya. Serious concern was also caused by the increased religious influence of Shiite Iran.

The first arrests of radical religious activists began in the mid-1990s. It was during this period that the leadership of the Islamic Party of Azerbaijan (IPA) was arrested, arrests were also made among members of Islamic extremist groups, such as Hizb-ut-Tahrir.

In 2001, by the decree of President Heydar Aliyev, the "Committee for Work with Religious Organizations" (hereinafter - the Committee) was established. A member of the Academy of Sciences, Professor Rafik Aliyev was appointed Chairman of the Committee. Immediately thereafter, by the government's decision, 14 Iranian-controlled madrassas were closed. Gradually, the authorities closed all the independent and sponsored madrasahs and courses of the Koran, except for four madrasahs in Baku, Zagatala, Aghdash and Shcheka, controlled by the Turkish government.

The Committee received the right to register religious communities, formerly belonging to the Ministry of Justice, the right to examine religious literature, as well as control over the activities of religious communities.

During the times of R. Aliyev, the Committee began to take serious measures to streamline and monitor religious activities. Religious communities and mosques were required to register as official communities and soon more than 400 religious communities were registered. At the same time, according to the requirements of the legislation, the religious activity of foreign citizens was banned and these people began to be expelled from the country. This process continued until the expulsion of the last employee of the Turkish Ministry of Religious Affairs from the country.

The Committee also compiled a list of banned religious literature and banned the import and sale of several Islamic and Christian books "for propagating religious intolerance in them." The government annually updated the list of banned literature. In addition, the Committee's expertise department began to censor religious literature imported and published in the country.

### ***Period of prohibitions (2006-2012)***

In the summer of 2006, the new president, Ilham Aliyev, freed Rafik Aliyev from the post of the head of the Committee and appointed Hidayat Orujov, presidential adviser on national and religious issues. The period of 6 years after this became a period of restrictions and strict interventions of the state in the sphere of religion. The reason for this was the strengthening of religious radicalism in the Middle East (under the influence of wars in Afghanistan and Iraq), the intensification of the propaganda of jihad, the strengthening of radical religious appeals. As a result, bans in the religious sphere of Azerbaijan have become tougher from year to year.

The first acquaintance of our society with the real activity of radical Islamists occurred in connection with the newspaper article of the well-known publicist Rafik Tagi in 2006, in which the author unflatteringly spoke about the Prophet Muhammad. R. Tagi began to receive a large number of threats of violence by phone, and religious activists from Nardaran held a press conference, which already openly threatened Tagi with physical violence. As a result, Tagi and the editor of the newspaper Samira Sadagatoglu were arrested for a short time. On November 23, 2011, Rafiq Tagi, who was released, was killed, no killers have been found.

In May 2007, the government banned the transfer of azan (a call to prayer) through radio amplifiers at the beginning in Baku, then and throughout the republic. The ban lasted several days and after a serious discontent of the religious community, the government formally abolished the ban. But despite this, in several mosques, the ban on the adhan still works. In the summer of 2007, the Committee, under the pretext of "the need for a new registration," closed 19 courses of the Koran, working legally. A small number of these courses were registered inside religious communities.

In 2008, the government decided to destroy the "Fatime Zahra" mosque in the village of Yeni Gunashli. And in 2009, the mosque "Our Prophet Muhammad" in Baku and the mosque on the Oil Rocks were destroyed, which was accompanied by active protests of believers.

In 2009, the parliament adopted an amendment prohibiting people who received religious education abroad to hold a religious office. The quota for participation in the pilgrimage to Mecca was reduced from 6000 to 2,000 people. Permission to deal with hajj organizations was given only to SAMC, it was forbidden to private companies.

In November 2010, the Minister of Education Misir Mardanov made a statement about the ban on wearing women's head-covers in state secondary educational institutions. This decision caused serious discontent and protests from believers. On December 10, 2010, on May 6, 2011, on October 5, 2012, protests were held in front of the Ministry of Education. Especially memorable was the last action, which ended with a clash with the police. As a result of 36 protesters were arrested.

### ***First armed religious groups and first arrests***

Lieutenant Kamran Aliyev, a member of the Salafi group, serving in Geranboy (on the front line with Armenia), fled his military unit, in October 2007, arrived in Baku and attacked several facilities, including a gas station. Soon he and members of his group were arrested.

On August 17, 2008, a grenade was thrown at the Salafi mosque of Abu Bakr in Narimanov district. The mosque was closed and as a result of the investigation it became known that the terrorist attack was carried out by a group of radical Khawarijas - "The Forest Brothers". Members of the group were arrested, their leader Ilgar Mollachiyev was killed.

A terrorist of Arab origin named Abu Jafar was arrested in Sumgayit. Two members of the group "Forest Brothers" were arrested in Pakistan and handed over to the Azerbaijani authorities.

In 2003, about 15 Azerbaijani citizens who arrived from the Pankisi Gorge in Georgia to start partisan activities in Karabakh were arrested during the operation in Ganja and Baku. During the operation, a senior police lieutenant was killed. A large number of arms and ammunition were confiscated from the Raf car belonging to the group. Later, the leader of the group called "Karabakh Partisans" - Rovshan Badalov and all members were sentenced to long terms of imprisonment. One of the members of the group received a life sentence. R. Badalov was released in 2011-2012, it was reported that he went to fight in Syria, joined there the "Islamic State" and was killed during the fighting.

In 2007, about 30 people were arrested in Baku on the "Said Dadashbeyli case". Some of the detainees were released after a while, and 11 people from this group of prisoners were sentenced to prison terms of 12 to 14 years

In early 2011, the head of the Islamic Party of Azerbaijan Movsum Samedov, senior management and regional representatives of the party were arrested. According to official reports, weapons and ammunition were found in their homes.

Shiites were also arrested, protesting against the ban on wearing the hijab in public schools.

These arrests lasted two years intermittently, dozens of Shiites were arrested under various pretexts. Even the moderate religious preacher Haji Shahin was arrested in 2011 but he was released six hours after the intervention of Sheikh-ul-Islam.

### ***Jihadism and radicalization***

The fighting in Afghanistan, Iraq and Syria led to the rapid spread of the ideas of jihad. The Sunni groups fighting against Bashar Assad declared their struggle sacred, that is, jihad.

For the first time in May 2013, a group of Azerbaijanis in Syria distributed a video on the Internet calling for compatriots to join the jihad in this country. Since then, it has become obvious that Azerbaijani citizens are participating in armed clashes

in Syria. The press reported from time to time that many radical Salafis from the northern regions of the country, as well as from Sumgait and Mushvigabad settlement (near Baku) are or are sent to Syria to participate in the jihad against Bashar Assad.

At first, the authorities looked at the jihadists from Azerbaijan through their fingers, but by 2014 the flow of jihadists had increased, such an increase in extremism began to cause concern to the government. In January 2014, after the retreat of Asadov troops in northern Syria, a war broke out in this region for the supremacy between the radical Islamist groups "Islamic State" and "Front Al Nusra." Soon, media reported about the death of hundreds of jihadists from both conflicting sides, among which about 30 Azerbaijani jihadists were killed.

After that, the authorities began to move. Silent earlier Sheikh-ul-Islam issued a fatwa against jihad in Syria. In the official press, active propaganda began against the jihadists. The legally operating Salafi of Azerbaijan under the leadership of the akhund of the Abu Bakr mosque Haji Gamet also made a statement that what is happening in Syria is not a jihad but a struggle for power and we should not interfere. Further, the authorities passed a law banning the participation of citizens of the country in illegal military formations abroad. After that, the first arrests began. In recent years, about 100 citizens of the country, who returned from Syria, were arrested.

The bloody clashes between Shiites and Sunnis in Syria and influenced the relationship between these religious communities in the country. Between the representatives of various branches of Islam, hostile appeals, mutual accusations, which could be read in social networks, intensified.

Shiite Taleh Bagirzade (Bagirov), who was released in the summer of 2015, was again arrested on April 26, 2015 during a police operation in Nardaran. During the operation, six people were killed, including two policemen. More than 60 believers were arrested both in Nardaran and in other regions of the country, including in Ganja and Lenkoran. Along with Taleh Bagirzade, activists of the movement "Muslim Unity" Zulfugar Mikayilzadeh and Elman Agayev were also arrested.

Earlier, in 2011, the leader of the Islamic Party Movsum Samedov was arrested and sentenced to 12 years imprisonment; Abgul Suleymanov (arrested in 2011, sentenced to 11 years in prison); Faramiz Abbasov (arrested in 2011, sentenced to 11 years in prison).

### ***Government policy in the religious sphere: bans and pressures***

The powers of the country are more often trying to control the situation in the religious sphere through restrictions and prohibitions, generously using the power structures. But a marked increase in religiosity among the population and the emergence of ever new radical religious leaders cast doubt on the effectiveness of repression. Attempts by the authorities to establish a dialogue with the religious community are limited to communication with legally functioning religious communities and mosques.

Government agencies that are entrusted with the management and control over the activities of religious communities have received from 2014 the authority to conduct religious education and propaganda for the ideas of "true Islam."

On February 28, 2014, the State Service for Multiculturalism, Interethnic and Religious Affairs was established. On May 15, 2014, the "International Baku Center for Multiculturalism" was established by the decree of the President of the Republic.

On October 20, 2014, the head of the Committee Mubariz Gurbanli held a meeting with a group of theologians and representatives of various religious denominations. At this meeting, it was announced that a new "Commission on Religious Studies" had been set up under the Committee, with a view to combating the ideas of religious extremism.

As the government's interference in the religious sphere intensifies, there is a noticeable weakening of the influence, fully supported by the authorities, of the SAMC (Caucasian Muslims Board), led by Sheikh-ul-Islam Allahshyukyur Pashazadeh.

According to the current legislation, the Government has entrusted the management and control of the activities of the country's Muslims to the Caucasian Muslim Board, which exercises control over mosques, appoints Akhundov and imams, and makes recommendations to government agencies on the registration of religious communities. But recently this practice is being revised. The main role in the management of the religious sphere was transferred to government agencies. Since 2014, the government has provided financial assistance to religious communities through the State Committee for Religious Affairs, not through the SAMK (the Spiritual Administration of the Muslims of the Caucasus), as it was previously.

By the way, the Muslim Board as a non-religious organization, according to the Constitution, should not be funded by the state, but in fact, the state aid is as follows: annual Sheikh apply directly to the president with a formal request for financial assistance, and the President allocates funds from its fund maintenance of the SAMK apparatus 2-3 million manat (1.7 manats - 1 dollar). Akhunds and imams of local mosques work on a voluntary basis and live off donations from the population and payments for religious ceremonies, such as wake ceremonies and registration of religious marriages. In February 2013, 2 million manat was allocated from the presidential reserve fund for SAMK; in the summer of 2015 3 million manats; In the summer of 2015 1 million manat [2].

By the end of 2016, the deputy chairman of the Muslim Board Haji Sabir Hasanli said that only about 600 mosques already assigned akhunds and imams, while about 1,500 mosques expect purposes [3], due to lack of personnel. This shortage of personnel resulted from the above-mentioned ban on the activities of persons who received religious education abroad. That is why, at the end of last year, the management of SAMK announced the creation of seven new madrassas in

different regions of the country for the preparation of imams and akhunds for mosques.

According to the law, the akhunds and Imams in the mosque appoint the Caucasian Muslims Board, but this appointment is consistent with the State Committee for Religion. Buildings and land of mosques are considered the property of the state or municipality. According to the decision of the Cabinet of Ministers, most mosques (about two-thirds) are on the balance of municipalities. Municipalities provide these mosques to SAMC or the relevant religious communities for free rent.

Some mosques are on the balance of the "Office of the State Historical and Architectural Reserve" Icherisheher "(Old Town) in Baku.

Mosques, the architecture of which is of historical importance and considered historical monuments are on the balance of the Ministry of Culture and Tourism.

Communities of mosques are registered in the State Committee for Religious Affairs and must report to this state structure.

So, the mosques and the legal sphere in the sphere of religion are managed by three different structures: the State Committee for Religion, the Spiritual Administration of Muslims of the Caucasus and municipalities.

### **Conclusion**

Facing such problems in the religious sphere as extremism and opposition to the authorities, the current government is trying to put religious activity (like any other independent public activity) under maximum control. The legislation is toughened, the possibilities of religious propaganda are limited and rigidly censured, not to mention the use of police measures.

The effectiveness of these measures is questionable because, first of all, the personnel potential and academic centers of the authorities are weak for carrying out an alternative - pro-government religious propaganda. And, of course, it is impossible to change the protest moods in a country that is in an all-embracing crisis with no propaganda. In recent years, independent religious activity has been carried out mainly outside the mosques controlled by the authorities - in illegal communities, prayer houses and independent courses on reading the Koran. Law enforcement structures from time to time expose the secret prayer cells, but this is only a small part in the overall process of spreading and radicalizing the Islamic religion in the country.

The activities of the State Committee for Religion and the "State Service for Multiculturalism" consist mainly of holding seminars and conferences among official organizations and loyal religious communities. The authorities try to influence the process from above, through the leaders of these communities and pro-government religious authorities. The effectiveness of such a policy is small and then, the last argument of the government in dealing with an independent religious community is the police.

It would seem that SAMK should have an important role in the process of resolving problems in the religious sphere, but this structure, left in the inheritance from the tsarist and soviet times, lost its authority among the population, it is passive and remains outside the process that develops with noticeable intensity.

### **Some important links**

<https://www.azadliq.org/a/prezident-qafqaz-allahshukur/27846544.html>  
[http://www.az.azvision.az/Prezident\\_QMI-ye\\_3\\_milyon\\_-65951-xeber.html](http://www.az.azvision.az/Prezident_QMI-ye_3_milyon_-65951-xeber.html)  
<http://scwra.gov.az/vnews/366/>  
<http://scwra.gov.az/article/22/>  
<http://static.bsu.az/w21/14.pdf>

[1] The Council, consisting of religious authorities

[2] <https://www.azadliq.org/a/prezident-qafqaz-allahshukur/27846544.html>

[3] <http://az.trend.az/azerbaijan/society/2535176.html>

### **HRWF recommended reading**

La crise syrienne vue d’Azerbaïdjan, Bayram Balci (28.03.2013)

<http://www.sciencespo.fr/cei/fr/content/la-crise-syrienne-vue-d-azerbaïdjan>

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## **‘No fair trial’ for house-church leader appealing against fine**

World Watch Monitor (19.10.2017) - <http://bit.ly/2z4nTk8> - An Azerbaijani man fined for leading a “house church” without state permission has not been treated fairly during his appeal against the fine, a local source has told World Watch Monitor.

The source, who wishes to remain anonymous, said there have been “multiple violations of law and process” against Hamid Shabanov.

Shabanov and another church member, Mehman Agamammadov, were each ordered to pay a fine of 1,500 manats (900 US dollars) for leading worship services without state permission following a [police raid in November 2016 on Shabanov’s house](#) in Aliabad, in the south of the country.

Shabanov was found guilty at a hearing in January and several appeals were rejected.

During his appeal process, the source said hearings had been held in the Azeri language, which Shabanov does not speak because he was educated in the Georgian language common to the area where he was born and where he still lives. The court also failed to provide a translator although this is required by law.

The source said the pastor was “asked repeatedly to sign documents he could neither read nor understand, both in the appeals process and police investigations, including a document that waived his rights. This is both illegal and negligent of the legal process in Azerbaijan”.

Because Shabanov's case is an administrative matter, he cannot appeal to the Supreme Court in Azerbaijan and instead filed an application with the Constitutional Court in the capital, Baku, challenging the verdict in light of his constitutional right to freedom of religion or belief.

Azerbaijani law bans [imposes punishments for holding religious meetings](#) without state permission, including meetings in homes. The authorities have repeatedly turned down Shabanov's application to register his congregation.

While "religious groups ... are required to register with the government, and despite their efforts to comply with the law, minority religious organisations are often either denied the registration or kept waiting for the application to be processed", the [American Centre for Law and Justice](#) says. "Though, on its face, the Azerbaijan's constitution claims to protect religious freedom, the governing document also places severe limits on minority religions, allowing the government to persecute Christians and other religious minorities while still claiming to respect religious freedom".

### **Background**

Azerbaijan was ranked No. 34 on Open Doors' 2016 World Watch List, ranking 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."

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## **Fined for home religious meetings, picnic**

***More than 20 Muslims, fined three months' average wages for a religious meeting in a home in Quba, failed in their appeals. A Baptist Pastor similarly fined will appeal to the Constitutional Court. A Muslim was fined for reading religious books aloud at a picnic.***

By Felix Corley

Forum 18 (06.07.2017) - <http://bit.ly/2u3Qr9P> - Sumgait Appeal Court has rejected appeals by more than 20 Muslims from the north-eastern Quba District fined more than three months' average wages for a religious meeting in a home in March which was raided by police. In two separate cases at Sheki Appeal Court, a Sunni Muslim and a Baptist Pastor have failed to overturn similar fines imposed to punish them for holding religious meetings with others. The Baptist Pastor is preparing to challenge his punishment in Azerbaijan's Constitutional Court.

Azerbaijani law bans and imposes punishments for religious meetings without state permission, including such meetings in homes.

On various dates in April and May, Sumgait [Sumqayıt] Appeal Court upheld fines of 1,500 Manats on many of the 21 Muslims from Quba District punished for taking part in a religious meeting in a home raided by police.

On 31 May, Sheki Appeal Court upheld the fine of 1,500 Manats on Sunni Muslim Shahin Ahmadov. Police detained him for reading aloud from the works of the late Turkish Muslim theologian Said Nursi to three friends while enjoying a picnic in the mountains near his home in the northern town of Qakh. Police refused to tell Forum 18 if they routinely patrol forests and mountains to discover people reading religious books aloud.

On 21 June, Sheki Appeal Court upheld the fine – also of 1,500 Manats – on Baptist Pastor Hamid Shabanov, rejecting his attempt to have the deadline for lodging an appeal extended. He was punished for meeting with fellow church members in the village of Aliabad in the northern Zakatala [Zaqatala] District which was raided by police. The church has been seeking state registration since the mid-1990s, so far in vain.

A fine of 1,500 Manats (7,500 Norwegian Kroner, 780 Euros or 900 US Dollars) represents more than three months' average wages for those in work. However, wages in remote northern regions - such as Quba, Qakh and Zakatala - are much lower than the national average.

All the Muslims and the Baptist Pastor were fined under Administrative Code Article 515.0.2. This punishes "Violating legislation on holding religious meetings, marches, and other religious ceremonies". The fine for individuals for this "offence" is between 1,500 and 2,000 Manats.

Meanwhile, an Imam in the central Goychay District, Ruslan Mammadov, was removed from his role as Muslim Board approved Imam and punished for "illegal activity" by setting up a mosque in a village near his home.

The State Committee for Work with Religious Organisations in the capital Baku has warned an Imam for holding an "illegal" meeting during the Muslim holy month of Ramadan in a city mosque from which he was forcibly ousted in 2004.

### ***State permission compulsory – but frequently denied***

Azerbaijan insists that state permission is needed for people to meet together to exercise freedom of religion or belief, in defiance of its international human rights obligations. Religious communities have repeatedly complained of arbitrary registration and re-registration denials. Lack of state registration can lead to police raids, confiscations of religious literature, fines and even criminal prosecutions.

Azerbaijan's harsh Religion Law also imposes specific restrictions on Muslim communities which are not imposed on communities of other faiths. Mosques cannot gain state registration independently and must be subject to the Muslim Board, which has to appoint the clergy.

The State Committee – which is supposed to register religious communities – has persistently refused to process registration applications by communities it does not like. Particular targets of obstruction to registration or re-registration attempts are Sunni Muslim communities, other Muslim communities outside the control of the state-backed Caucasian Muslim Board, Protestant churches and Jehovah's Witness communities.

### ***Quba: Mass punishments for meeting in home***

Police in the north-eastern town of Quba raided a religious meeting in the home of local resident Tehran Amiraslanov on 4 March, the Interior Ministry noted on its website the same day. Police accused participants of violating the Religion Law by holding a religious meeting without state permission.

Officers seized 54 religious books and 16 audio tapes and sent them to the State Committee for Work with Religious Organisations for "expert analysis". Officers also detained the 22 Muslims present and drew up records of an offence against them under Administrative Code Article 515.0.2.

Police then sent the cases to Quba District Court. At least 21 of the accused were found guilty and each fined 1,500 Manats at hearings on 5 March, the day after the raid.

Judge Farid Yaqubov punished 12 of the Muslims: the host of the meeting Amiraslanov, as well as Fakhraddin Khanlayev, Sadulla Mursalov, Ramiz Asadov, Sarvat Rzamov, Vuqar Rafiyev, Elmar Aliyev, Azad Qasimov, Natiq Amrahov, Lutfaddin Gulaliyev, Ismayil Mammadov, and Murad Piraliyev.

Judge Elman Ahmadov punished 9 of the Muslims: Ilham Alkhasov, Akram Badirkhanov, Etibar Pashayev, Sakhavat Seyfalov, Vasif Quliyev, Khaspulad Shikhmammadov, Eldeniz Hajiyev, Vuqar Ahmadov, and Seyran Muradov.

The men appealed against their punishments to Sumgait Appeal Court. At hearings in April and May, various Judges rejected their appeals, according to court records. On 23 May, for example, Judge Mubariz Zeynalov rejected the appeals by Rzamov, Amrahov and Shikhmammadov.

"The Muslims were punished for conducting religious meetings without state permission," the assistant to Judge Zeynalov told Forum 18 from the court on 5 July. Asked why individuals should be punished for this, she responded: "The law prescribes such punishments."

Judge Yaqubov of Quba District Court confirmed that he had handed down fines of 1,500 Manats on each of the 12 Muslims whose cases he had heard. "I can't discuss the decisions with you as you are not a party to the case," he told Forum 18 from Quba on 5 July. He said all of those fined had appealed against their punishments. "The appeals were all considered and rejected."

Asked if the punished Muslims were planning to appeal to the European Court of Human Rights in Strasbourg, Judge Yaqubov said he did not know. "But they have the right to lodge cases there."

Two of those punished in Quba, Hajiyev and Mammadov, were among a group of five Sunni Muslim men sentenced for taking part in an April 2014 home religious study meeting in Baku. Armed police raided the meeting and arrested many participants. The five subsequently received prison terms of between 1 year, 7 months and 5 years, 5 months. In April 2016 these were reduced on appeal.

Hajiyev and Mammadov were transferred in September 2016 from prison to a Baku detention centre where they were free to leave in the daytime, provided they remained in the city, but had to return to the centre at night.

### ***Qakh: Fined for reading religious books at picnic***

Shahin Ahmadov, a 25-year-old Sunni Muslim from Qakh, was studying his faith with others using the works of Said Nursi at a picnic in the open air on the afternoon of 18 April, according to the subsequent court decision seen by Forum 18.

Ahmadov and three acquaintances, Dostmammad Qurbanov (who was visiting from Goychay), Khazar Rustamli and Nizamaddin Abdulrahimov, were drinking tea near Kilsaburun in the mountains near Qakh. Ahmadov and Abdulrahimov also took with them to read their copies of the book "Shualar" (Rays of Light) from the series "Risale-i-Nur" by the late Turkish theologian Said Nursi.

Half an hour after Ahmadov began reading aloud, a plain-clothed police officer Elburus Eminov came upon them and asked what they were reading. He then ordered them to accompany him to Qakh District Police Station. There Ahmadov and Abdulrahimov "voluntarily" handed over their books. Ahmadov told officers he had no banned books or other items at his home in the town and did not object to the police making a search, according to the court decision.

The police then went to his home in Qakh. There, in the presence of witnesses, they seized three copies of the Koran, 68 books by Nursi, other religious books, one disc and three exercise books with Koranic verses written inside. They wrote out a confiscation record which they read out and Ahmadov signed, according to the court decision.

Officers sent the two copies of "Shualar", which Ahmadov had been reading aloud, as well as books and other materials seized from his home to the State Committee. They sought its assessment as to whether "they contained anti-state ideas or promoted radical religion or broke the Religion Law". They also sought information "on whether permission has been given for the activity of the Nurchu religious movement and for information about the scope of its activity, but it has not yet been possible to receive a letter of reply", the court decision added.

Captain Matlab Khalilov drew up a record of an offence under Administrative Code Article 515.0.2 on 19 April, accusing Ahmadov of holding an "illegal" religious meeting.

The case was then handed to Qakh District Court. On 3 May the Court's Judge Atabay Kichibayov found Ahmadov guilty and fined him the minimum fine of 1,500 Manats. The police officer Eminov, who found the four men, and another officer Azer Mammadov submitted statements to the court.

Ahmadov appealed against the punishment to Sheki Appeal Court. However, on 31 May, Judge Imanverdi Shukurov left the fine unchanged, according to the decision seen by Forum 18.

Captain Khalilov was unable to say whether police officers regularly patrol mountains and forests near Qakh in case people are reading from religious books. He insisted that Ahmadov was reading from "banned" religious books, but struggled to explain why reading religious books in the open air should be an offence. "We just drew up the record of an offence and the court took the decision," he told Forum 18 from Qakh on 5 July. He then put the phone down.

An official of Qakh District Court told Forum 18 on 6 July that Ahmadov was the first person to be punished at that court in 2017 for exercising freedom of religion or belief. The court official put the number of such cases in 2016 at 40 to 45, adding that Jehovah's Witnesses had been among them.

Among known cases in Qakh District Court in 2016, Judge Kichibayov dismissed cases against four Jehovah's Witnesses in May and June 2016. He similarly dismissed cases against 27 Jehovah's Witnesses in May 2016, though the Appeal Court overturned the acquittals and fined them. In August 2016 he fined seven Jehovah's Witnesses.

***Aliabad: 25 years of meetings, new punishment, Constitutional Court challenge***

A quarter of a century after a Baptist community began meeting for worship regularly in the town of Aliabad in the northern Zakatala District, the community's Pastor (and former prisoner of conscience) Hamid Shabanov is preparing a legal challenge to the authorities' latest punishment on him.

The church has been repeatedly denied state registration despite numerous attempts to apply to the State Committee and its predecessors.

On the morning of 26 November 2016, about 10 uniformed police officers and several men in plain clothes (including local State Committee representative Mehman Ismayilov) raided Pastor Shabanov's home. About 30 adults and several children had gathered there for a meeting for worship. Officers ordered them to halt the meeting, "saying it was illegal because of the lack of state registration".

Officers wrote down the names and identity document details of all those present. Police then took 26 church members (16 women and 10 men) to the District Police Station, where officers demanded that they each write a statement. By 10 pm officers had released all 26 of those detained.

Officers also seized 16 religious books which they sent to the State Committee for "expert analysis". These were later returned.

Police prepared records of an offence under Administrative Code Article 515.0.2 against two church members, Pastor Shabanov and Mehman Agamammadov. In a 15-minute hearing at Zakatala District Court on 12 December 2016, Judge Arif Ismayilov found both Pastor Shabanov and Agamammadov guilty and fined them each the minimum fine, 1,500 Manats.

The Court sent Pastor Shabanov the written decision only in January 2017. It never sent any written decision to Agamammadov.

Pastor Shabanov did not lodge an appeal within the prescribed ten days of receiving the written decision. On 24 April he lodged a petition to Zakatala District Court to have the appeal deadline extended, arguing that his trial had been unfair because he does not know Azeri well (he is from the Ingilo Georgian minority) and the Court provided no translator. However, on 27 April the same Judge Ismayilov rejected his petition in a decision seen by Forum 18.

Pastor Shabanov then challenged this rejection of his petition to Sheki Appeal Court. However, at a 15-minute hearing on 21 June, Judge Rovshan Rafiyev upheld the 27 April decision, according to the Sheki Appeal Court decision seen by Forum 18. "The court session passed with violations of the laws," a fellow Baptist who attended the hearing told Forum 18. "The judge openly stated that he knows well the judge of the first instance court and left his decision in force. It all shows that this case was opened against Pastor Hamid Shabanov with someone's order."

The 21 June decision cannot be challenged further. However, Pastor Shabanov and his fellow Baptists are preparing an appeal to the Constitutional Court in Baku about the original December 2016 punishment for exercising the right to freedom of religion or belief. "This will be a very long and hard process, because we will go against not only the police, but the judges of the first instance court and the appeal court," a fellow Baptist told Forum 18.

"Pastor Hamid's rights and those of his community have been violated," Pastor Ilya Zenchenko, head of Azerbaijan's Baptist Union who also attended the Sheki Appeal Court hearing, told Forum 18 from Baku on 6 July. "All this is a violation of their rights under

Article 48 of our Constitution, which guarantees freedom of religion, and Article 49, which guarantees freedom of assembly."

Pastor Zenchenko points out that the Aliabad congregation which Pastor Shabanov leads has existed for a quarter of a century, has sought state registration in vain since the mid-1990s and the authorities know that it has met in the same location for all those years. "The authorities know who they are."

Pastor Shabanov was held in pre-trial detention from June to November 2008. In February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were also fabricated to punish him for exercising his freedom of religion and belief.

The Aliabad Church wrote to the head of the State Committee, Mubariz Qurbanli, in January 2017 outlining their concerns about the November 2016 raid, the fine the following month and the continuing refusal to process their registration application. As they had received no reply they wrote again to him in June.

"We expect from you within the legally-determined timescale your agreement and guarantee of our possibility to meet once a week to express our religious and spiritual requirements: to jointly worship the Almighty and jointly study Holy Scripture," the Church told Qurbanli.

### ***Goychay: Imam removed, punished - fined?***

An Imam in the central Goychay District, Ruslan Mammadov, was removed from his role as Muslim Board approved Imam and punished for "illegal activity" and "organising a secret community", the APA news agency noted on 25 May.

Imam Mammadov had performed religious rituals at the mosque in the nearby village of Ikinchi Arabjabirli not according to the Muslim Board-dictated calendar. He was also accused of illegally creating a mosque in the village of Duruja in Qabala District. "He called it a mosque and acted illegally there," APA noted.

Following Mammadov's removal as Imam, the local authorities handed his case to the State Committee, which investigated his activity.

It appears Mammadov was then fined. Officials at Goychay District Court refused to tell Forum 18 on 6 July if it had heard a case against him. An official of Sheki Appeal Court told Forum 18 the same day that it had heard no appeal against any lower court punishment related to Mammadov's religious activity.

Azim Rafiyev, the State Committee representative with responsibility for Goychay District, refused to discuss Imam Mammadov's removal and punishment with Forum 18 on 6 July.

### ***Baku: State Committee warning***

Officials of the State Committee read in the media on 18 June that Shia Imam Ilgar Ibrahimoglu Allahverdiev had held a meeting in the Juma (Friday) Mosque in Baku's Old City on the third night of Laylat al-Qadr in the Muslim holy month of Ramadan. The State Committee immediately issued Imam Ibrahimoglu with a warning, according to a 19 June announcement on the State Committee website.

"I would like to note that Ilgar Ibrahimoglu has no legal connection with the Old City's Juma Mosque and the religious community operating there," the State Committee

representative for Baku Anar Kazimov was quoted as declaring. He complained that Ibrahimoglu's conduct was "unacceptable and illegal".

"If Ilgar Ibrahimoglu continues such illegal actions," Kazimov warned, "he will answer before the law and the State Committee will take all necessary measures in connection with this."

The State Committee also called on Muslims not to take part in events organised outside mosques.

Officials forcibly expelled Imam Ibrahimoglu and the independent community he led from Baku's Juma Mosque in 2004. Officers beat community members and many were subsequently fined. The Muslim Board then installed its own community and named an imam, with the backing of the State Committee.

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## **Finced for selling religious books**

***Kifayat Maharramova was fined four months' average wages in Gyanja in early May for selling religious books and discs without the state permission required to sell religious books or items. Police and State Religion Committee officials often seize religious books in raids.***

By Felix Corley

Forum 18 (10.05.2017) - <http://bit.ly/2r4mMcK> - Kifayat Maharramova is the most recent individual known to have been fined to punish her for selling religious literature without the required approval from the State Committee for Work with Religious Organisations. She was fined in Azerbaijan's second city Gyanja [Gäncä] on 1 May. In 2017, two booksellers in the capital Baku failed to overturn similar fines on appeal. All three were fined 2,000 Manats each, equivalent to about four months' average wages for those in work.

In the southern town of Astara close to the southern border with Iran, Police are investigating after officers seized "banned" religious books.

However, in Baku in March a court handed down an acquittal after a bookshop that sells Christian books proved that the items it had on sale had State Committee approval or were sample copies to be submitted for such approval. Eight years after it first applied, the State Committee has finally given the shop the licence it needs to sell religious books and items.

Meanwhile, two female Jehovah's Witnesses who spent 50 weeks in pre-trial detention before being convicted of offering one religious book without state permission may have been acquitted at the Supreme Court. At a February hearing the Judge told them verbally they were acquitted. However, three months on he has not yet issued a written verdict.

State Committee officials involved in implementing the compulsory religious censorship deny that religious books have been "banned". They insist that they simply deny permission for them to be distributed or imported as "inappropriate".

Forum 18 was unable to reach Nahid Mammadov, head of the State Committee "Expert Analysis" (Censorship) Department in Baku. His colleagues told Forum 18 on 10 May that he was not in the office and no one else was able to answer any questions about the religious censorship system.

## **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 October 2016, 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 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 and other religious works in raids on homes. Such seizures happened during Police and State Committee raids on 9 April on two homes in Lokbatan in Baku's Qaradag District where Jehovah's Witnesses were meeting.

## **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.

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, which have been authorised for sale under the Religion Law, outside specialised sale outlets established with the permission of the relevant government authority distributing religious literature, religious objects and information material without State Committee permission".

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.

Police and State Committee officials raided many shops in Baku and other cities and towns in autumn 2016 hunting for unapproved religious literature or for religious literature being sold in places that had not been approved. Many individuals selling such literature were fined.

Punishments are also handed down when police raid individuals' homes and seize religious literature which they claim is "banned".

### ***Gyanja: Bookseller punished***

Police and local officials of the State Committee raided a shop selling religious books in Gyanja's Nizami District without the required State Committee permission, the Interior Ministry noted on its website on 27 April. The bookshop was run by local resident Kifayat Maharramova. Officers seized 58 religious books and 16 CDs.

On 1 May, Judge Emin Akhundov of Gyanja's Nizami District Court found Maharramova guilty of violating Administrative Code Article 516.0.2, according to court records. He fined her 2,000 Manats (10,300 Norwegian Kroner, 1,100 Euros or 1,200 US Dollars).

The duty officer at Gyanja's Nizami District Police defended the seizure of religious books from Maharramova. "We protect social order," he told Forum 18 on 10 May. He refused to explain how seizing religious books would protect social order. He refused to answer any other questions by telephone.

### ***Astara: Books seized***

On 5 May, the State Security Service secret police and the Police of Astara District in southern Azerbaijan on the border with Iran raided homes in the villages of Tangarud and Vaqo in an operation to seize "banned" religious literature, the Interior Ministry website noted the same day. Officers seized 365 religious books and 13 CDs from five homes. However, the Interior Ministry gave no information on what books and discs were seized and why they had been banned.

Qagayi Mammadov, the regional representative of the State Committee, insisted the raid and religious literature seizures were nothing to do with him. "No one has complained to me," he told Forum 18 from Lenkoran on 10 May. He said Police are still conducting an investigation. "It's not clear if any cases will go to court or not."

### ***Baku: Fines upheld on appeal***

At Baku Appeal Court on 6 May, Shahmerdan Imamaliyev failed to overturn a fine of 2,000 Manats under Administrative Code Article 516.0.2 imposed for selling religious literature without state permission, according to court records. Judge Qadim Babayev rejected his appeal against the fine handed down on 30 December 2016 by Judge Rauf Ahmedov at Baku's Nizami District Court.

Officers of Nizami District's 25th Police Station raided the Abiturient (University Entrant) bookshop in December 2016. They seized 30 copies of 15 different religious books.

The man who answered the phone of the head of the 25th Police Station – who did not give his name – said that officers had taken part in a "joint operation". He insisted though that his officers had merely been accompanying others, whom he would not

identify. He would not explain why a shop selling religious books should be raided and the owner punished. He then put the phone down.

Similarly, on 31 January, Judge Mirpasha Huseynov of Baku Appeal Court rejected the appeal by Islam Mammadov against a fine of 2,000 Manats under Administrative Code Article 516.0.2 for selling religious materials without state permission. Islam Mammadov had appealed against a fine handed down on 20 December 2016 by Judge Habil Mammadov of Baku's Khatai District Court.

### ***Baku: Case dropped***

On 1 December 2016, about 15 police officers and State Committee officials raided a Baku bookshop which includes Christian books among its stock, local Protestants told Forum 18. Officials seized for examination 396 books in Russian and Azeri. They later initiated a case under Administrative Code Article 516.0.2, which was handed to the city's Sabail District Court.

However, the State Committee found that 387 of the seized books had its permission for distribution. The remaining nine were sample copies awaiting its approval.

Hearings began at Sabail District Court on 21 February 2017, but in March the Judge dismissed the case, pointing out that the bookshop had not violated the law. The bookshop welcomed the acquittal, as well as the return of all the books.

The bookshop also welcomed the State Committee decision in mid-April to grant it a licence to sell religious literature and other items. The bookshop has been seeking such a licence since 2009, when compulsory licences were introduced with the amendments to the Religion Law.

### ***Gulen's books banned***

All the books by Turkish retired imam Fethullah Gulen (who now lives in the United States) are banned from import into Azerbaijan, a State Committee official revealed. The State Committee declared his works "inappropriate" for import in 2008, Nahid Mammadov, head of the State Committee "Expert Analysis" (Censorship) Department, told Turan news agency on 23 August 2016.

Mammadov claimed that the decision to declare Gulen's works "inappropriate" for import was because they allegedly promote the superiority of followers of his movement over other people.

Mammadov made his comments after police claim to have found copies of Gulen's works when they searched the homes and vehicles of several opposition political figures arrested in August 2016.

### ***No works "banned"?***

In the August 2016 interview, Nahid Mammadov claimed that no such concept as religious literature "banned" for import exists. He insisted that the State Committee gives a conclusion on the "appropriateness" or "inappropriateness" of the import of a particular work.

Mammadov said religious works are deemed "inappropriate" if they promote religious enmity, hatred or superiority of one person over another.

Works by another Muslim theologian, Said Nursi, have variously been restricted or banned. The State Committee told Baku-based Muslim Zeka Miragayev in May 2014: "In

reply to your question, we inform you that since 2009 the State Committee has considered literature which is part of the complete works of Risale-i Nur and is used to spread the sect (Nurculuq) 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)."

"As you can see, the State Committee has not based its response on any official document," a friend of Miragayev complained to Forum 18 from Baku in June 2014. "They didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?"

One of the State Committee deputy chairs, Gunduz Ismayilov, repeated at a press conference on 27 December 2016 that Nursi's works had been deemed "inappropriate" for import in more than one copy. He said this was not because they contain "propaganda of radicalism", but because they promote "sectarianism". "From this year it is permitted to import them for personal reading, but not for distribution," the local media quoted Ismayilov as declaring.

### ***Acquitted or not?***

On 8 February, the Supreme Court in Baku acquitted Jehovah's Witness former prisoners of conscience Irina Zakharchenko and Valida Jabrayilova of their convictions for distributing religious literature without state permission, Jehovah's Witnesses told Forum 18. Judge Hafiz Nasibov announced verbally that the Court had found no crime in the actions of the two and had annulled the decisions of the lower courts.

However, three months after the hearing the Supreme Court has still not issued its verdict in writing, Jehovah's Witnesses told Forum 18 from Baku on 9 May.

Forum 18 was unable to reach Judge Nasibov on 10 May. On 13 March, his assistant had told Forum 18 that the written decision would be issued by the end of March.

Zakharchenko and Jabrayilova were arrested in February 2015 to punish them for exercising their right to freedom of religion or belief by offering one religious booklet without the compulsory state permission. They were held by the then National Security Ministry (NSM) as prisoners of conscience for ten months before they were transferred to an ordinary prison.

The United Nations Working Group on Arbitrary Detention called in December 2015 for the two women to be freed and compensated. In January 2016 the two were convicted under Criminal Code Article 167-2.2.1 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.

Zakharchenko and Jabrayilova appealed against their conviction. On 29 March 2016, Baku Appeal Court left the sentence unchanged. The two women's further appeal reached the Supreme Court on 19 September 2016.

During the February 2017 Supreme Court hearing, lawyers for Zakharchenko and Jabrayilova "highlighted the government's breach of fundamental human rights in the unwarranted and abusive treatment of the two Witness women", Jehovah's Witnesses noted. The Court allowed both women to relate what they had endured through more than 11 months of pre-trial detention and how it had affected them.

Jabrayilova described conditions as bad in the then-NSM secret police Investigation Prison. The two women were held there from February until 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 noted. "The smell of sewage in this 'cage' was suffocating." Prison officials constantly demanded money from prisoners.

Other prisoners of conscience have faced torture in prison. Shia Muslim theologian and prisoner of conscience Taleh Bagirov (also known as Bagirzade) was subjected to "severe torture" and a broken nose while in detention at the Interior Ministry's Main Directorate for the Struggle with Organised Crime in December 2015.

In a separate case, Jehovah's Witnesses Zakharchenko and Jabrayilova tried to gain compensation for their imprisonment. However, Baku's Administrative Economic Court No. 2 rejected their appeal for compensation. On 6 December 2016, Judge Valeh Agayev of Baku Appeal Court rejected the women's appeal against that decision.

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## **Religious meeting of Jehovah's Witnesses dispersed**

HRWF (12.04.2017) - <http://bit.ly/2nE0ReD> - On 9 April The State Committee for Work with Religious Structures together with law enforcement agencies cracked down on a meeting of Jehovah's Witnesses in the Qaradag district of Baku at two addresses. Thirty-three, including ten children, were participating in the religious gathering.

In addition, a large quantity of religious literature of Jehovah's Witnesses was seized. An investigation is being conducted.

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## **Azerbaijan Supreme Court Exonerates Irina Zakharchenko and Valida Jabrayilova**

JW.org (10.02.2017) - <http://bit.ly/2m7Keqd> - On February 8, 2017, the Supreme Court of Azerbaijan acquitted Irina Zakharchenko and Valida Jabrayilova of their convictions for distributing religious literature without State permission. Judge Hafiz Nasibov, of the Criminal Board of the Supreme Court, announced that the Court had found no crime in the actions of the two Witness women and had annulled the decisions of the lower courts.

During the hearing, lawyers for Ms. Zakharchenko and Ms. Jabrayilova highlighted the government's breach of fundamental human rights in the unwarranted and abusive treatment of the two Witness women. The Court allowed both women to relate what they had endured through more than 11 months of pretrial detention and how it had affected them.

International human rights lawyer Jason Wise commented: "We are very pleased that the Criminal Board of the Supreme Court canceled the convictions. For Jehovah's Witnesses in Azerbaijan, it is an unprecedented reversal of lower court decisions. We hope the Baku Sabail District Court will also recognize the right to compensation for these two women."

## Regime jails Muslims, doesn't arrest torturers

***Eighteen people accused of association with the Muslim Unity Movement have been given long jail terms on fabricated charges. Other trials are continuing. Despite Azerbaijan's binding international human rights obligations, no officials have been arrested or put on criminal trial for torturing those convicted.***

By Felix Corley

Forum 18 (09.02.2017) - <http://bit.ly/2l6hnBT> - On 25 January the Serious Crimes Court in Azerbaijan's capital Baku sentenced Imam Taleh Bagirov, the leader of the Muslim Unity Movement, and a deputy leader Abbas Huseynov, to 20 years each in prison. Judge Aliovsat Abasov also sentenced 16 others to long prison terms. All have already spent more than a year in prison.

The charges – which the accused strongly disputed - included terrorism, an attempt to seize power violently, illegal firearms possession, and murder.

Local human rights defenders, including former prisoner of conscience Khadija Ismayilova, have stated that there is no evidence for these charges. "These people didn't commit any violence," she told Forum 18 in June 2016. "The government sees them as a threat because they are popular and they are not controlled by the government" (see F18News 22 June 2016).

The regime has frequently used charges of alleged possession of drugs and weapons to jail prisoners of conscience for exercising their freedom of religion or belief and other rights.

Of the 18 convicted, one of them prominent opposition politician Fuad Qahramanli, 17 told the court that they had been tortured after their arrests to extract confessions and "testimony" against others. Despite Azerbaijan's binding international human rights obligations, no officials have been arrested or put on criminal trial for torturing people.

Two other trials are continuing against those the authorities accuse of being associated with the Muslim Unity Movement. Just days before the verdicts on the 18 were announced in Baku, one journalist human rights defender and a Muslim Unity Party activist were arrested and jailed, for 30 days and 10 days respectively.

### **Convictions**

Those convicted were:

1. Taleh Kamil oglu Bagirov (also known as Bagirzade), 20 years' imprisonment (first 7 years in Qobustan strict regime prison)
2. Abbas Mammadbagir oglu Huseynov, 20 years' imprisonment (first 7 years in Qobustan strict regime prison)  
The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated in 2008 that prisoners in Qobustan Prison are tortured. The CPT also witnessed the authorities attempting to stop prisoners complaining.
3. Jabbar Amirkhan oglu Jabbarov, 19 years' imprisonment
4. Rasim Mirzabala oglu Jabrayilov, 17 years' imprisonment
5. Shamil Adil oglu Abdulaliyev, 14.5 years' imprisonment
6. Bahruz Rahib oglu Askarov, 14.5 years' imprisonment
7. Jahad Balahuseyn oglu Balakishiyev, 14.5 years' imprisonment
8. Farhad Nasreddin oglu Balayev, 14.5 years' imprisonment
9. Etibar Rasim oglu Ismayilov, 14.5 years' imprisonment

10. Ibrahim Mamed oglu Khudaverdiyev, 14.5 years' imprisonment
11. Zakir Tapdiq oglu Mustafayev, 14.5 years' imprisonment
12. Ali Hazrat oglu Nuriyev, 14.5 years' imprisonment
13. Abbas Abdulrahman oglu Quliyev, 14.5 years' imprisonment
14. Abbas Hafiz oglu Tagizada, 14.5 years' imprisonment
15. Javad Alibala oglu Valiyev, 14.5 years' imprisonment
16. Fuad Ali oglu Qahramanli, 10 years' imprisonment Gahramanli
17. Ramin Maharram oglu Yariyev, 10 years' imprisonment
18. Aqil Azer oglu Ismayilov, 10 years' imprisonment

All – except for opposition politician Qahramanli – were arrested on 26 November 2015 during a police raid on Muslims praying in Nardaran which left seven people dead. The village north of Baku is known as a stronghold of Shia Islam.

Police arrested Qahramanli – the Deputy Head of the opposition Popular Front party – on 8 December 2015. He published a Facebook commentary denouncing the assault on Nardaran. He suggested 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.

### **Background**

The trial follows a 26 November 2015 raid while Muslims were praying in the village of Naradarn. During the raid, at least seven people were killed - five men in the village and two police officers – with others in the village being wounded. More than a dozen Muslim Unity Movement members – including leader former prisoner of conscience and then-recently tortured Imam Taleh Bagirov – were detained. Others were also detained later elsewhere in Azerbaijan.

Immediately after the raid, Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, told Forum 18 that "they've done wrong things – they violated established rules". But he struggled to explain what rules they had broken. Asked if the Muslim Unity Movement had killed or proposed killing anyone, he replied "No".

On 1 November 2013 Imam Bagirov was sentenced to his second prison term as a prisoner of conscience, on apparently fabricated drugs-related charges. As well as politically opposing the regime, Bagirov and other Muslims had opposed the Caucasian Muslim Board's attempt to impose an imam on Mastaga's Hazrat Abulfaz Aga Mosque. Among other topics in his sermons, he strongly opposed the authorities attempts to impose total control of of Muslims exercising the right to freedom of religion or belief.

In January 2015, while Imam Bagirov was in jail, a group of Shia Muslims founded the Muslim Unity Movement with Bagirov chosen to be its leader. He was freed in July 2015.

The authorities quickly began to try to suppress the new Movement, which has both religious and political goals and aims to unify the Islamic and secular opposition to the regime of President Ilham Aliyev.

Shortly before the Naradaran raid, on 3 November 2015 police detained and tortured Imam Bagirov when he began to pray in a police station. Two days later, police elsewhere in Baku imprisoned his deputy Elchin Qasimov (also known as Qasimli), imam of Mastaga's Hazrat Abbas Mosque, and a colleague. Eight Muslims who demonstrated outside the Baku police station where Qasimov was initially held were also arrested. A

total of 10 prisoners of conscience, including Qasimov, were given prison terms of up to one month.

The torture of Imam Bagirov was just a week before the 11 and 12 November consideration of Azerbaijan's record under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) at the United Nations (UN) Committee Against Torture.

### ***Mosques closed, imams imprisoned***

Following the November 2015 assault, officials closed at least four mosques in Nardaran, claiming that as they do not have state registration it is illegal for them to host prayers. Officials said some could reopen, but only after they submitted to the state-backed Caucasian Muslim Board and gained the compulsory state registration.

Two of Nardaran's Imams - Nuhbala Rahimov of the Rahima Hanum Mosque, and Atamali Nur, prayer leader of the Juma (Friday) Mosque – were imprisoned in early December 2015. A Baku court handed Nur a 30-day prison term. Imam Rahimov was given an 18-month prison term on 27 May 2016, apparently without a trial.

On 6 September 2016, the State Committee for Work with Religious Organisations presented a new registration certificate to a Shia Muslim "community" for Nardaran's Rahima Hanum Mosque. It appears the state created the community to replace the previous community. 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.

Apart from Rahima Hanum Mosque, no other religious communities in Nardaran are listed on the State Committee website as having state registration as of 8 February 2017.

Against Azerbaijan's international human rights obligations, no religious or belief community is allowed to exist without state permission. Also against international human rights law, the regime forces all mosques to be controlled by the Caucasian Muslim Board.

### ***Torture***

Seventeen of the 18 defendants testified in court that they were tortured by the Interior Ministry's Main Directorate for the Struggle with Organised Crime in Baku, and by police. Among the testimonies of torture, Imam Bagirov stated: "It is one thing to beat or put an electric current through a person, but we are speaking here of horrific tortures".

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 strongly criticised Azerbaijan's record.

No officials were arrested or tried for torturing the prisoners of conscience when they testified to being tortured. Instead, officials denied that torture happened.

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

### ***No arrests for tortured***

Forum 18 tried to find out whether Azerbaijan had carried out its binding international legal obligations, by arresting and opening criminal cases against any officers of the Interior Ministry's Main Directorate for the Struggle with Organised Crime suspected of torture.

The duty officer at the Main Directorate in Baku replied on 9 February "I have no information on that." He then put the phone down.

The assistant to the General Prosecutor, Zakir Qaralov, declined to put Forum 18 through to him on 9 February and added that "we don't have this information". She directed Forum 18 to the General Prosecutor's Office International Department. The official who answered the phone the same day listened to Forum 18's questions and then put the phone down. Subsequent calls went unanswered.

The assistant to Baku City Prosecutor Aziz Seyidov claimed to Forum 18 on 9 February that he was not in the office. She directed Forum 18 to the City Prosecutor's Office spokesperson Gunel Akberova. Reached the same day, she asked for the questions in writing, which Forum 18 sent mid-afternoon in Baku on 9 February. Forum 18 had received no response by the end of the working day in Baku.

Jafar Jafarov, head of the Investigation Department at Baku City Prosecutor's Office, refused to give any information. "We don't give out such information," he told Forum 18 on 9 February before putting the phone down.

### ***Nardaran case No. 2***

A second criminal trial – widely described as Nardaran case No. 2 - is also underway. The trial began under Judge Mayil Bayramov at Baku's Serious Crimes Court with a preliminary hearing on 20 December 2016. A deputy chair of the Muslim Unity Movement, Elchin Qasimov (also known as Qasimli), imam of Mastaga's Hazrat Abbas Mosque, and 11 others are facing a wide range of similar criminal charges. They all reject the accusations.

Imam Qasimov is one of the many who have been tortured by the regime in the course of his trial.

Qasimov was arrested after protesting against the torture of Imam Bagirov. The state-controlled Caucasian Muslim Board claimed in a statement that: "Elchin Qasimli and others are not members of the clergy and their religious communities have not applied to the Caucasian Muslim Board and the State Committee for Work with Religious Organisations," Haydarov warned. "They have no official permission to carry out religious rites in places of worship. However, under the guise of performing religious rites, they repeatedly attempted to disrupt public order".

### ***Nardaran case No. 3***

A third criminal trial – widely described as Nardaran case No. 3 - is also underway. The trial began under Judge Zeynal Agayev at Baku's Serious Crimes Court with a preliminary hearing on 19 January. Theologian Zulfuqar Mikayilzade (also known as Mikayilov) and 10 others are facing charges of trying to overturn the constitutional order, terrorism and other serious crimes, and has been detained since the Nardaran raid.

Mikayilzade has previously been fined after an April 2014 police raid on his home, where he was teaching Islam to two groups of men and women without state permission.

On the day of the Nardaran raid, a General Prosecutor's Office statement claimed that the Muslim Unity Movement was planning "a violent change to the constitutional system

of government" to establish "a religious state governed by Sharia law". It claimed that the "armed criminal group" stockpiled ammunition and explosives. Theologian Mikayilzade, Imam Bagirov, Abulfaz Bunyatov, and Elman Agayev (also known as Agazade) were identified as the creators of the "illegal" movement.

Agayev, who is also being tried in this case, has also been tortured. He too is accused of a wide range of serious crimes including terrorism and plotting to seize power. He vehemently denies the charges, and his lawyer thinks that "the authorities intend to use the convictions from the Bagirov trial in the next court case".

### ***Nardaran elders on trial***

The trial of two of Nardaran's elders (an honorific village title) began at Baku's Serious Crimes Court under Judge Ahmad Quliyev with a preliminary hearing on 17 January. Natiq Karimov and Inqilab Ahmadov are facing charges of treason for Iran.

After the Nardaran raid, Karimov protested when the regime refused in December 2015 to allow Shia Muslim commemorations in the village. On 6 January 2016 the State Security Service (SSS) secret police arrested him for treason.

### ***Journalist's one-month imprisonment, activist's 10-day imprisonment***

Journalist Rovshan Mammadli was arrested in Baku on 23 January accused of swearing at police. The following day, Yasamal District Court sentenced him to 30 days' imprisonment. The lawyer Elchin Sadygov told Caucasian Knot news agency on 25 January that police had fabricated the case against Mammadli and that he was punished for writing about the torture of the defendants in the Nardaran trial and publishing an interview with Bagirov portraying him in a favourable light.

Sadygov complained that Mammadli had not been able to inform his family of his arrest, nor to choose a lawyer to defend him in court.

Many journalists who work as human rights defenders have been arrested and imprisoned in Azerbaijan, including Mehman Huseynov and former prisoner of conscience Ismayilova.

Muslim Unity Movement activist Ahsan Nuruzada disappeared in Baku on 24 January, the day before the verdicts were announced in the trial of Bagirov and the other 17 defendants. It subsequently emerged that he had been kidnapped outside his home by three men in civilian clothes.

Only on 30 January did officers phone his lawyer Yalchin Imamov to say the Interior Ministry's Main Directorate for the Struggle with Organised Crime was holding Nuruzada, the lawyer told Caucasian Knot on 2 February. Officers also told him that on 24 January, a court had sentenced Nuruzada to 10 days' imprisonment for failure to submit to a police order, apparently under Administrative Code Article 535 ("Disobeying a police officer").

Lawyer Imamov lodged an appeal against the imprisonment, but on 2 February Judge Abid Abdinbayov of Baku Appeal Court rejected the appeal. Nuruzada later said he had been pressured to sign a police statement incriminating himself, Caucasian Knot noted.

## **Police claim "everything was done well"**

***Three Jehovah's Witnesses, two Baptists, and a bookseller have each been fined three to four months' average wages. Their "offences" include discussing beliefs, offering religious literature, and meeting for prayer. And an unlicensed mosque has been raided and had allegedly "superstitious" items confiscated.***

By Felix Corley

Forum 18 (17.01.2017) - <http://bit.ly/2k3w8oY> - In early January 2017, a higher court rejected the appeal by three Jehovah's Witnesses from Goranboy District in western Azerbaijan against large fines, imposed for discussing their faith with others and offering religious literature. The accused were not allowed to prepare a defence or speak in court.

Two Baptists in the northern Zakatala [Zaqatala] District were fined in December 2016 for leading worship services without state permission after a large police raid two weeks earlier. The Saturday morning raid on an "illegal" meeting for prayer resulted in the detention of more than 30 adults and children present, after which 16 women and 10 men were questioned at the local police station until 10 pm at night. Police sent confiscated religious literature to the capital Baku for alleged "expert analysis". "Everything was done well," police Major Amil Muradov told Forum 18 before putting the phone down.

Also, a Baku court fined local resident Elnara Qasimova for selling religious materials without the compulsory permission from the State Committee for Work with Religious Organisations and the local administration. However, on 17 January 2017 Baku Appeal Court cancelled the fine and sent the case back to the lower court for a new hearing.

It appears that Qasimova's prosecution was a result of raids by State Committee officials as well as police officers on at least five shops selling religious literature in Baku's Sabail and Nasimi Districts, announced on 2 December 2016. Officials said five shops were selling religious literature "illegally".

The three Jehovah's Witnesses, two Baptists and Baku bookseller Qasimova were each fined about three to four months' average wage. (The State Statistics Committee gives the average monthly wage for those in work between January and October 2016 as nearly 494 Manats.)

Also, officials in Baku confiscated 59 religious books, 19 videotapes, 27 DVDs and 80 CDs which they claimed had not passed state censorship, adding that unspecified items "included elements of khurafat [prejudice or superstition]". This term does not appear in published law. The confiscation followed a December 2016 raid on a Shia Muslim community operating without state permission.

### ***Fined for discussing faith***

Trouble began in mid-November 2016 for two Jehovah's Witnesses in Goranboy District, Jaarey Suleymanova and Gulnaz Israfilova. The two women had been visiting a woman "who had enjoyed their Bible discussions for many months", Jehovah's Witnesses told Forum 18. Subsequently, the Goranboy District Police charged the two women under the Code of Administrative Offences' Article 515.0.4 ("Religious associations operating away from their registered legal address"). The fine for individuals for this "offence" is between 1,500 and 2,000 Manats.

Police handed the case to Goranboy District Court. On 17 November 2016, Judge Ismayil Abdurahmanli handed them each the maximum fine of 2,000 Manats, more than four months' average wages for those in work, according to court records.

Suleymanova and Israfilova lodged appeals against the fines to Gyanja [Gäncä] Appeal Court. However, on the afternoon of 5 January 2017, Judge Fikrat Aliyev rejected their appeals, according to court records.

Goranboy District Police brought exactly the same charges against another local Jehovah's Witness, Ziyad Dadashov. "Four men from his village testified that Ziyad Dadashov had spoken of his beliefs and offered Bible literature," Jehovah's Witnesses told Forum 18.

Police handed the case to Goranboy District Court. On 2 December 2016, Judge Shirzad Huseynov found Dadashov guilty under Administrative Code Article 515.0.4. The Judge fined him 1,500 Manats, more than three months' average wages for those in work, according to court records.

Dadashov similarly appealed against the fine to Gyanja Appeal Court. However, on the morning of 5 January 2017, Judge Badal Aliyev rejected his appeal, according to court records.

"In neither case did the defendants have the opportunity to prepare their defence, nor did they have the opportunity to speak during court hearings," Jehovah's Witnesses complained to Forum 18.

Reached on 17 January, an official of Goranboy District Police refused to discuss anything with Forum 18 and put the phone down.

### ***Meeting for prayer raided***

On the morning of Saturday 26 November 2016, about 10 uniformed police officers and several men in plain clothes (including local State Committee representative Mehman Ismayilov) raided the home of a Baptist leader in the village of Aliabad in Zakatala District. They arrived about half an hour after a regular prayer meeting had begun in the home of Hamid and Hinayat Shabanov, fellow Baptists told Forum 18. About 30 adults and several children were present at the prayer meeting.

The officers ordered Hamid Shabanov and his fellow Baptists to halt the prayer meeting, "saying it was illegal because of the lack of state registration".

An Interior Ministry statement on the day of the raid said State Committee representatives accompanied Zakatala Police on the raid. The statement did not identify the community as Baptist, speaking only of "an illegal religious gathering aimed at spreading a religious sect banned under the law". It added that 16 items of religious literature had been confiscated and sent for "expert analysis" to the State Committee in Baku.

Alleged "expert analysis" is used to justify the stringent imposition of state censorship.

Colleagues of Zakatala State Committee representative Ismayilov told Forum 18 on 17 January 2017 that he was not in the office. They refused to comment on the raid on the Baptists.

Over several hours on 26 November 2016, officers held those present for the prayer meeting in a room in Shabanov's home. They allowed individuals out only to go to the toilet, one at a time. Officers wrote down the names and identity document details of all those present. They also compiled a list of all the religious literature they could find belonging to the church or its members, Baptists complained to Forum 18.

Police then took 26 church members (16 women and 10 men) to the District Police Station, where officers demanded that they each write a statement. Police had already confiscated several of the individuals' phones. By 10 pm officers had released all 26 of those detained.

Only on 29 November did police return the confiscated identity documents to the church members. The same day the investigator announced that charges were being brought against church members for meeting "illegally" without state registration. The investigator did not say how many cases had been prepared and when they would be handed to court.

Against international human rights law, all exercise of freedom of religion and belief by more than one person without state permission is banned.

All those detained during the raid signed an appeal to the State Committee in Baku for their Church to be allowed to worship freely, Shabanov told Forum 18. The Church has received no response.

### ***Two fined, church banned from meeting***

Police summoned to Zakatala Police Station on 12 December all 26 church members who had been detained during the 26 November raid.

Police had prepared records of an offence against two church members, Hamid Shabanov and Mehman Agamammadov under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). The fine for individuals for this "offence" is between 1,500 and 2,000 Manats.

The cases were handed to Zakatala District Court. There in a 15-minute hearing on 12 December 2016, Judge Arif Ismayilov found both Shabanov and Agamammadov guilty and fined them each the minimum fine, 1,500 Manats, the Judge told Forum 18 from the Court on 17 January.

Judge Ismayilov claimed to Forum 18 that both men had admitted their guilt in court. Shabanov denied this. "I told the court it was not our fault, as we applied but they won't give us registration," he told Forum 18.

Judge Ismayilov insisted that Shabanov and Agamammadov had been given the court decisions in writing, though he refused to say when or how. However, Shabanov denied this. "We rang the court and visited it, but they wouldn't send or give us the decision," he told Forum 18. "We had 10 days to appeal against the fine but that's now gone. But they haven't demanded the money either."

On 15 December 2016 officials returned all the confiscated books to the church. "The State Committee in Baku looked at them and could find nothing wrong with them," Shabanov told Forum 18.

However, police and the Judge told the Church that it is illegal for church members to meet for worship. They were warned that if they do so they will be fined.

One Zakatala Police officer who prepared the prosecution materials in Agamammadov's case for the court, Major Amil Muradov, refused to discuss the ban on the church's activity or the raid. "Everything was done well," was all he would tell Forum 18 on 17 January 2017 before putting the phone down.

### ***History of raids, fines, imprisonments, registration denial***

Shabanov's church and a fellow Baptist congregation in Aliabad have been seeking state registration since the mid-1990s. However, state officials have consistently refused to process the applications, including the most recent application the Church submitted in 2010 after changes to the Religion Law.

State officials have repeatedly harassed Aliabad's Baptists since the 1990s, with repeated police raids on worship meetings and confiscation of religious literature. Several church members were sacked from their jobs because of their faith, including a nurse from a hospital and the head of the local kindergarten. Baptists were banned from using the collective farm's agricultural machinery for their plots, and from receiving state subsidies provided to other farmers, Ilya Zenchenko, the head of the Baptist Union, complained to Forum 18 from Baku. Officials have in the past denied registration to children of local Baptists who had chosen Biblical names for their new-born children.

One of the Church's pastors, former prisoner of conscience Zaur Balaev, was imprisoned on false charges from May 2007 to March 2008. Another pastor of the Church, former prisoner of conscience Hamid Shabanov, was held in pre-trial detention from June to November 2008. In February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were also fabricated to punish him for exercising his freedom of religion and belief.

"Despite all this they continue to meet to this day," Pastor Zenchenko noted, "under the leading of their hearts – which love God – and in accordance with Azerbaijan's Constitution guaranteeing freedom of assembly, freedom of speech and freedom of conscience and religious belief." But Baptists feel angry that police action had violated the alleged 2016 Year of Tolerance declared by President Ilham Aliyev. The regime uses claims of its alleged "religious tolerance" to camouflage its multiple human rights violations.

### ***Police and religious affairs officials raid Baku bookshops***

State Committee officials and police officers raided at least five shops selling religious literature in Baku's Sabail and Nasimi Districts, the Interior Ministry and the State Committee announced on 2 December 2016. State Committee officials said five shops were selling religious literature and other religious items "illegally".

Police confiscated 433 different religious titles being sold without the compulsory hologram sticker showing that the books had the required permission from the State Committee to be sold. Officers drew up records of an offence in each case.

The latest Baku bookshop raids appear to be a continuation of earlier raids. Police and officials of the State Committee raided at least 26 shops and six homes across Azerbaijan in October and early November 2016 to seize religious literature being distributed without the compulsory state permission. Some book sellers were then punished. All the literature confiscated from shops appears to have been Muslim.

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 October 2016, 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.

### ***Fined for religious literature, but fine overturned***

One case is known to have been brought to court in Baku's Sabail District, though it remains unclear if this was as a result of the raids.

On 28 December 2016 Judge Rauf Ahmadov of Sabail District Court fined local resident Elnara Qasimova 2,000 Manats for selling religious items without the compulsory permission from the State Committee and the District administration, the court told Forum 18 on 16 January.

Qasimova was fined under Administrative Code Article 516.0.2 ("Selling religious literature (printed or on electronic devices), audio and video materials, religious merchandise and products, or other religious informational materials, which have been authorised for sale under the Religion Law, outside specialised sale outlets established with the permission of the relevant government authority distributing religious literature, religious objects and information material without State Committee permission").

Punishments 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.

Qasimova's appeal against her punishment was handed to Baku Appeal Court on 11 January. On the morning of 17 January Judge Ilqar Murquzov partially upheld Qasimova's appeal. He cancelled the fine, but sent the case back to the lower court for a new hearing, according to court records.

The official who answered the phone of the Baku city representative of the State Committee on 17 January, who refused to give his name, refused to answer any of Forum 18's questions as to why officials raided the bookshops, confiscated religious literature or brought a case to punish Qasimova.

### ***Baku Muslim community raided***

State Committee officials, together with officers of the police, State Security Service (SSS) secret police and officials from Baku's Sabail District local administration raided a Shia Muslim community, State Committee officials told the local media on 8 December 2016. They claim to have been responding to information that the community in Badamdar in south-western Baku was functioning "in violation of procedures governing the activity of religious organisations".

The Muslim community is not one of the four mosques the State Committee allows to function in Sabail District. The regime has a policy of closing mosques operating without state permission and without a leadership the State Committee has appointed. Sunni mosques are especially severely targeted for forcible closure.

During the raid, State Committee officials confiscated 59 religious books, 19 videotapes, 27 DVDs and 80 CDs which they claimed did not have the required State Committee permission. Officials added that they found unspecified items "which included elements of khurafat [prejudice or superstition]". They claimed to have then launched an investigation.

Azerbaijan's legal database does not include the term "khurafat" in any law or legal document. It remains unclear why State Committee officials think the unspecified confiscated items are illegal.

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