

Table of Contents

- ***Six years already, nearly six months more***
 - ***Juma Mosque Congregation and Others v. Azerbaijan: The European Court declared the application inadmissible for lack of evidence***
 - ***Religious freedom survey, November 2018***
 - ***Fines, censorship amid state control of Islam***
 - ***Heavy fines for selling unapproved literature***
 - ***Conscientious objector's criminal conviction – more to follow?***
 - ***Azerbaijan's Mountain Jews museum is part of a dying community's rescue plan***
 - ***Theologian challenges state's book ban***
 - ***State's theological review bans book on Islam***
 - ***Sufis raided, initial fine, Protestants raided***
 - ***Azerbaijan wrestles with rising Iranian influence***
-

Six years already, nearly six months more

By Felix Corley

Forum 18 (20.12.2018) - <https://bit.ly/2ABktUX> - Rearrested days before a six year jail term for protesting against a ban on schoolgirls wearing headscarves ended, Telman Shiraliyev was sentenced to an additional nearly six month term. "The trial was short and took place without a lawyer as his family is too poor to afford one," human rights defender Elshan Hasanov told Forum 18.

A court in the capital Baku has today (20 December) handed an extra jail term of nearly six months to Telman Shiraliyev, a 37-year-old Shia Muslim prisoner of conscience and father of two. He has already spent six years in prison for participating in a 2012 street protest against a ban on schoolgirls wearing a hijab (headscarf) which was attacked by police.

In late September, one week before his scheduled release at the end of his six-year term, prosecutors accused Shiraliyev of hiding a knife under his pillow. Prisoners are forbidden from having knives. Human rights defenders reject this accusation.

"The trial was short and took place without a lawyer as his family is too poor to afford one," Elshan Hasanov, Coordinator of the Union for the Freedom of Political Prisoners of Azerbaijan, told Forum 18 from Baku after the hearing. "The witnesses were the prison warders."

Hasanov – who was denied entry to the small courtroom because there was no space – insists that Shiraliyev is "absolutely innocent". He said that in testimony to the court, the warders denied that they had found a knife in Shiraliyev's possession (see below).

Fellow human rights defender Oqtay Gulaliyev also insists that Shiraliyev is innocent. "I think the criminal case launched against him is a violation of the law and groundless," he

told Forum 18. "We think that his term of punishment was extended because he did not sign the amnesty application offered by government officials in May" (see below).

Two Jehovah's Witness conscientious objectors from western Azerbaijan have failed in their appeals to Ganca Appeal Court to overturn their one-year suspended prison terms for refusing compulsory military service on grounds of conscience. Both must report regularly and are under travel restrictions. Emil Mehdiyev has appealed to the Supreme Court in Baku, while Vahid Abilov is preparing his Supreme Court appeal (see below).

Forum 18 asked the Human Rights Ombudsperson's Office in Baku what action (if any) it had taken to defend the rights of Mehdiyev and Abilov. It also asked what action (if any) it had taken to push for the adoption of a law to allow for those who have conscientious objections to military service to perform a civilian alternative service, which Azerbaijan committed to introduce by 2003. The Ombudsperson's Office has not responded (see below).

Two female Jehovah's Witness former prisoners of conscience, Irina Zakharchenko and Valida Jabrayilova, finally received financial compensation for their wrongful one-year detention in 2015 for offering a religious booklet to a neighbour and subsequent conviction by the same judge who convicted Shiraliyev. Payment of the compensation followed a long battle through local courts (see below).

Legal amendments imminent?

Azerbaijan imposes tight restrictions on all exercise of the right to freedom of religion or belief.

The State Committee for Work with Religious Organisations has prepared amendments to the Religion Law which are now with the Presidential Administration for approval. They are expected to reach Parliament, the Milli Mejlis, in early 2019 and are likely to be considered at its spring session in February (see forthcoming F18News article).

No release after six years in jail, nearly six months extra term

Telman Shirali oglu Shiraliyev (born 13 February 1981) was among a large group of Muslim men jailed for protesting on the streets of Baku in October 2012 against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. His six-year jail term was due to end on 5 October 2018.

However, prosecutors brought new criminal charges against Shiraliyev in late September, claiming he had kept illegal items in prison, the head of the Azerbaijan Without Political Prisoners group Oqtay Gulaliyev told Caucasian Knot news agency on 22 October.

On 29 September, a week before his sentence expired, a Baku District Court ordered that Shiraliyev be held in pre-trial detention for two months. That same day Shiraliyev was transferred from prison to Kurdakhani Investigation Prison in Sabunchu District in north-eastern Baku.

Prosecutors brought a case against Shiraliyev under Criminal Code Article 317-2.1. This punishes "Preparation, storage, transportation or use of objects prohibited by a person detained in prisons or in detention facilities" with imprisonment of up to six months.

"Telman Shiraliyev is being charged with having kept a knife under his pillow, but that is not true at all," human rights defender Gulaliyev told Forum 18. "He is innocent. I think the criminal case launched against him is a violation of the law and groundless. We think that his term of punishment was extended because he did not sign the amnesty application offered by government officials in May."

On 20 November, the criminal case against Shiraliyev was handed to Baku's Khazar District Court, where it was assigned to Judge Akram Qahramanov, court officials told Forum 18 on 19 December.

At the end of the short trial on the afternoon of 20 December, Judge Qahramanov sentenced Shiraliyev to five months and 18 days imprisonment, Elshan Hasanov, Coordinator of the Union for the Freedom of Political Prisoners of Azerbaijan, told Forum 18 after the hearing.

"Officially the trial was open, but the courtroom was so small that they didn't let anyone else in, just three or four close relatives," Hasanov said. "I was one of those not allowed in."

Hasanov said in testimony in court, prison warders denied that they had found a knife in Shiraliyev's possession.

The Judge's phone went unanswered the same afternoon.

The same Judge Qahramanov convicted two Jehovah's Witnesses Irina Zakharchenko and Valida Jabrayilova in January 2016 to punish them for offering one religious booklet without the compulsory state permission needed in Azerbaijan to distribute religious literature. The Supreme Court subsequently overturned these convictions (see below).

Originally jailed for anti-hijab ban protest

The October 2012 anti-hijab ban protest outside the Education Ministry in Baku - the largest of three such street protests - ended in violence. Independent observers insisted that the violence did not come from the protestors, but from provocateurs among the crowd possibly controlled by the police or other security agencies.

An August 2014 report on political prisoners, compiled by a Working Group of human rights defenders led by Leyla Yunus and Rasul Jafarov concurs. (Both human rights defenders were themselves subsequently jailed as prisoners of conscience.)

"Observation of the protest and analysis of photos and videos from the protest show that the action was peaceful and protesters refrained from confronting the police and employees of other law-enforcement agencies," it notes. "But after the use of force by police, some of the protesters attempted to defend themselves. The photos and videos clearly showed that provocateurs were used."

Shiraliyev was among the 32 convicted Muslim men to receive one of the longest jail terms. Baku's Narimanov District Court sentenced him in April 2013 to six years' imprisonment. Baku Appeal Court upheld the sentence in December 2013.

The court convicted Shiraliyev under Criminal Code Article 233 ("Organisation of actions promoting infringement of a social order or active participation in such actions") and Article 315.2 ("Resistance or use of force against a representative of authority with the use of violence dangerous for life and health"). Shiraliyev served most of his sentence in Prison No. 16 in the village of Ramana near Baku.

Eleven others of the group of men were freed in 2014, three of them under a presidential amnesty.

First Jehovah's Witness conscientious objector's case in Supreme Court

Jehovah's Witness conscientious objector Emil Vilayat oglu Mehdiyev (born 12 December 1999) lodged an appeal against his criminal conviction to the Supreme Court in Baku on 10 December. The case has been assigned to Judge Tahir Kazimov of the Court's criminal division, according to court records. No date has yet been set for the appeal to be heard.

After his call-up for military service in December 2017, Mehdiyev repeatedly told the Conscription Office he could not perform military service on grounds of conscience and was willing to perform an alternative civilian service.

However, prosecutors brought a case against Mehdiyev under Criminal Code Article 321.1. This states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

On 6 July 2018, Barda District Court convicted Mehdiyev and handed down a one-year suspended prison term, and required that he live under probation for one year.

Mehdiyev appealed against his conviction, but Judge Alizamin Abdullayev of Ganca Appeal Court rejected his appeal on 8 October, the court chancellery told Forum 18 from Ganca on 17 December.

Second Jehovah's Witness conscientious objector to appeal to Supreme Court

Jehovah's Witness conscientious objector Vahid Gunduz oglu Abilov (born 2 May 1999) has failed to overturn his one-year suspended prison term to punish him for refusing to perform compulsory military service. On 31 October, Judge Elchin Hasmammadov of Ganca Appeal Court rejected his appeal against his conviction, the court chancellery told Forum 18 from Ganca on 17 December.

Abilov refused to serve in the army after his call-up in May 2017. "My Bible-trained conscience prevents me from taking up military service," he told Agdam District Conscription Office in writing. "I do not evade, or even think of evading, the fulfilment of my civic duty. I just kindly ask you to provide me with alternative civilian service instead of military service."

Prosecutors brought a criminal case against Abilov on 9 July 2018 under Criminal Code Article 321.1.

On 6 September 2018, Agdam District Court found Abilov guilty and sentenced him to a one-year suspended prison term. During this time, Abilov must report to the authorities each week and remains under travel restrictions.

"The terms of the restrictions Vahid Abilov must live under during the year remain very vague," Jehovah's Witnesses complained to Forum 18 on 17 December. They said he is preparing an appeal against his conviction to the Supreme Court in Baku.

Will Ombudsperson's Office help conscientious objectors?

Ahead of its accession to the Council of Europe in January 2001, Azerbaijan promised "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative Civilian service".

Azerbaijan has never done this, and conscientious objectors to military service have been repeatedly prosecuted and even jailed under Criminal Code Article 321.1.

Four conscientious objectors jailed earlier as prisoners of conscience and another who received a suspended prison term are awaiting decisions from the European Court of Human Rights in Strasbourg.

Forum 18 asked the Human Rights Ombudsperson's Office in Baku in writing on 17 December what action (if any) it had taken to defend the rights of Mehdiyev and Abilov. It also asked what action (if any) it had taken to push for the adoption of a law to allow for those who have conscientious objections to military service to perform a civilian alternative service, which Azerbaijan committed to introduce by 2003. Forum 18 had received no reply from the Ombudsperson's Office by the end of the working day in Baku on 20 December.

Compensation finally paid for wrongful 2015 jailings

Two female Jehovah's Witness former prisoners of conscience, Irina Zakharchenko and Valida Jabrayilova, finally received financial compensation following a long battle through local courts, including the Supreme Court. "The two ladies received the money directly into their bank accounts in the week beginning 8 October," Jehovah's Witnesses told Forum 18. This was six months after the Supreme Court finally ruled in their favour.

Zakharchenko and Jabrayilova were arrested in February 2015 for offering one religious book publicly without the compulsory state permission. The then National Security Ministry (NSM) secret police held them in pre-trial detention from February until late 2015, when Zakharchenko was finally transferred to hospital. She and Jabrayilova were then transferred to the Investigation Prison in Kurdakhani.

The women were held at the then NSM prison in a "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 told Forum 18. "The smell of sewage in this 'cage' was suffocating."

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

The Jehovah's Witness women were not allowed a Bible or other religious literature during this time, just as Muslim prisoners of conscience have been denied Korans.

Judge Qahramanov (who convicted Telman Shiraliyev in December 2018 – see above) finally convicted Zakharchenko and Jabrayilova in January 2016. He handed down a heavy fine on each, but cancelled the fines because the two women had been in prison since February 2015.

The Supreme Court exonerated the two women in February 2017, but left the issue of compensation to the lower courts. A Baku court ordered in August 2017 that they be compensated. However, the Finance Ministry challenged the compensation awards. The women finally overcame these challenges in the Supreme Court on 16 April 2018. It remains unclear why it took six months for the payments to be made.

Juma Mosque Congregation and Others v. Azerbaijan: The European Court declared the application inadmissible for lack of evidence

Application number: 15405/04

HRWF (10.11.2018) – Occasionally, reports are published about violations of religious freedom in Azerbaijan and the case of the closure of the historical Juma Mosque located in the Old City of Baku, which is a UNESCO World Heritage Site, is quite often presented as an illegal action of the government. Although the religious legislation is very repressive in Azerbaijan, the case of the Juma Mosque is more complicated than it is usually exposed. The European Court of Human Rights was referred to by a newly created congregation in the aftermath of the collapse of the Soviet Union and dismissed all the claims of alleged violations of Article 9 of the Convention.

On 28 April 2004, the Juma Mosque Congregation (Cümə Məscidi Dini İcması – “the Congregation”), a Muslim religious community in Baku. The individual applicants, Mr Ilgar Allahverdiyev, Mr Azer Samedov, Mr Azad Isayev, Mr Ilgar Alizade, Mr Najaf Allahverdiyev, Mr Adil Huseynov, Mr Ramin Tahirov, Mr Parviz Hajiyev, Mr Eldar Sultanov and Mr Namin Akhundov (“the applicants”) filed an application against Azerbaijan.

The applicant organization was the Congregation of the Juma Mosque (“the Congregation”). The individual applicants were ten Azerbaijani nationals. The mosque, built in the 11th century, was used as a Muslim house of worship until Azerbaijan became part of the Soviet Union. In 1937 the mosque was closed to the public. For a time it was used as a warehouse and in 1968 the Soviet government converted it into a carpet museum. After Azerbaijan declared its independence in 1991, the applicants formed a new local community of Muslims and took possession of the former Juma mosque.

After a series of events involving government’s refusal to register the congregation as a religious organization and the eviction of the congregation from the mosque as a result of a domestic court’s judgment, the applicants applied to the Court in April 2004 complaining, *inter alia*, under Articles 9 and 11. They contended that the refusal of the domestic authorities (the State Committee for the Affairs of Religious Organisations/ SCARO) to re-register the Congregation and making such registration conditional on submission to the Caucasus Muslims Board had violated the Congregation members’ rights to freedom of religion and freedom of association”, under Articles 9, 10, and 11. They also claimed that the eviction of the Congregation from Juma Mosque, which they had previously occupied for twelve years without any interference, had violated the Congregation members’ rights to manifest their beliefs publicly in community with each other and their rights to freedom of expression and assembly. They pretended that “they had been subjected to discrimination on the basis of their religious beliefs and political opinions” (Article 14, in conjunction with Articles 9, 10 and 11).

In its judgment of 8 January 2013, the Court unanimously declared the application inadmissible.

Complaint of the Congregation concerning the non re-registration as a religious organization

“47. At the outset the Court notes that it only has the competence to examine complaints of violations of the Convention arising from events that have occurred after the Convention entered into force in respect of the High Contracting Party concerned (...). Accordingly, the Court has the competence to examine only the events that took place after 15 April 2002, the date of the Convention’s entry into force in respect of Azerbaijan.

48. In so far as part of the events concerning re-registration by the SCARO occurred after 15 April 2002, the Court reiterates that the rule of exhaustion of domestic remedies referred to in Article 35 of the Convention obliges those seeking to bring their case against the State before the Court to first use the remedies provided by the national legal system, thus dispensing States from answering to an international body for their actions before they have had an opportunity to put matters right through their own legal systems.”

The European Court concluded that this part of the applicants’ complaints had to be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

Complaint concerning the eviction of the Congregation from Juma Mosque

“60. In this connection, the Court notes that at the time of the Convention’s entry into force in respect of Azerbaijan the Congregation had no proprietary rights to Juma Mosque under domestic law. The SDEA decision of 28 December 1992 allowed the Congregation to be established as an organisation and recommended its State registration (see paragraph 7 above); however, it did not contain any provisions granting the organisation any proprietary rights to Juma Mosque or, as the applicants put it, “charging the organisation with the use and care of Juma Mosque”. By the time of the Convention’s entry into force, no lease existed between the Congregation and the Reserve nor was there any other document that would have granted the Congregation a lawful right to occupy the building. The applicants admitted in the domestic proceedings that they had applied to the Reserve for a lease to be granted in their favour, but that their request had been refused. No plausible and convincing argument has been put before the Court showing that there existed an obligation on the part of the Reserve (the registered owner of the State-owned building) to lease it specifically to the applicants. Furthermore, the Court cannot find that the mere fact that the public authorities tolerated the applicants’ continued use of the State-owned building for religious purposes for a number of years gave rise to any type of positive obligation under Article 9.

61. The Court reiterates that the Convention cannot be interpreted as giving a right to a religious community to obtain a place of worship from the public authorities (see *Griechische Kirchengemeinde München und Bayern e.V. v. Germany* (dec.), 52336/99, 18 September 2007).

62. (...) The eviction, in itself, did not amount to any form of punishment for conducting religious services *per se*, or to a ban on the Congregation’s functioning as such, or to a restriction of its ability to lawfully establish a new place of worship elsewhere. Furthermore, the Court considers that the Congregation’s eviction, as such, did not restrict its individual members’ “freedom to manifest [their] religion” as it did not prevent them from performing their religious activities in other mosques or places of worship available for religious activity, even if the Congregation did not establish a new place of worship itself. In this connection, the Court also notes that the applicants have not argued that the Congregation members belonged to a particular denomination with a set of religious beliefs differing from those of other Muslim denominations existing in

Azerbaijan, or that the site of Juma Mosque had any special sacred role in their community rather than merely being a place where they worshipped.”

The Court considered that, in this case, the eviction of the Congregation from a building which it had no lawful right to occupy did not amount to an unjustified interference with the applicants’ right to freedom of religion, as guaranteed by Article 9 interpreted in the light of Article 11 of the Convention. It follows that this complaint is inadmissible under Article 35 § 3 as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.”

Complaints concerning the alleged persecution of the Congregation members

“64. Relying on Articles 3 and 5 of the Convention, some of the applicants complained that they had been arbitrarily detained and ill-treated by the police and that their complaints in this regard had not been investigated. They also complained under Article 8 of the Convention that some of them had been under telephone and other means of electronic surveillance by the authorities and that on 30 July 2004 the authorities had unlawfully raided a private home and arrested several members of the Congregation.

65. However, the applicants did not submit any evidence in support of those allegations, such as medical records, detention orders, or copies of complaints lodged with the domestic authorities. Nor does it appear from the material submitted that they have ever lodged any complaints with the domestic authorities in connection with these allegations.

66. As regards the arrest and conviction of Mr I. Allahverdiyev, the Court finds that those events were not directly relevant to the subject matter of the present application and, in any event, are the subject of a separate examination within the framework of application no. 36083/05 (see paragraph 17 above).

67. Thus, in the light of all the material in its possession, and in so far as the matters complained of are within its competence and do not relate to the issues raised in the above-mentioned application no. 36083/05, the Court considers that this part of the application does not disclose any appearance of a violation of the Convention. It follows that it is inadmissible under Article 35 § 3 as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.”

The remainder of the application

“68. The applicants complained under Articles 6 and 13 of the Convention that the domestic proceedings concerning their eviction from Juma Mosque had been unfair and ineffective. In particular, they complained that the domestic courts had not been independent and impartial and that the proceedings had been in breach of the “reasonable time” requirement in that they had taken a “much shorter time than is normal in Azerbaijan”.

69. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court considers that this part of the application does not disclose any appearance of a violation of the Convention. It follows that it is inadmissible under Article 35 § 3 as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.

70. The applicants further complained under Article 1 of Protocol No. 1 to the Convention that the police had seized some personal property belonging to the applicants from the mosque, such as a laptop computer and cash, without offering any compensation.

71. However, the Court observes that the applicants have never raised this complaint with the domestic authorities. It follows that this part of the applicants’ complaints must

be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

72. The applicants complained under Article 14, in conjunction with Articles 9, 10 and 11 of the Convention, that they had been subjected to discrimination on the basis of their religious beliefs and political opinions.

73. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court considers that this part of the application does not disclose any appearance of a violation of the Convention. It follows that it is inadmissible under Article 35 § 3 (a) as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court unanimously
Declares the application inadmissible."

Religious freedom survey, November 2018

By Felix Corley, Forum 18, and
John Kinahan, Forum 18

Forum18 (07.11.2018) - http://forum18.org/archive.php?article_id=2429 - Azerbaijan restricts freedom of religion and belief, with interlinked freedoms of expression, association, and assembly. Forum 18's survey analyses violations including prisoners of conscience jailed and tortured for exercising freedom of religion and belief, strict state literature censorship, and regime claims of its "tolerance".

Forum 18's survey analysis documents Azerbaijan's violations of freedom of religion and belief, with interlinked freedoms of expression, association, and assembly. Serious violations include but are not limited to:

- a complex labyrinth of "legal" restrictions to prevent the exercise of freedom of religion and belief and other fundamental freedoms;
- total state control of the Islamic community;
- a ban on all exercise of freedom of religion and belief by groups of people without state permission;
- raids on people exercising freedom of religion and belief without state permission;
- forcible closure of places of worship, especially Sunni mosques;
- a ban on praying outside mosques;
- jailing prisoners of conscience for exercising human rights, including freedom of religion and belief;
- torture of people who exercise freedom of religion and belief;
- prosecutions and punishments of conscientious objectors to the compulsory military service;

- a highly restrictive censorship regime, including pre-publication, bookshop, photocopy shop and postal censorship;
- a ban on praying outside mosques;
- and severe denials of human rights in the Nakhichevan exclave.

Context

Azerbaijan is the largest country in the South Caucasus region and with almost 10 million people has the largest population. It includes the exclave of Nakhichevan [Naxcivan], which borders Iran, Armenia and Turkey, where the human rights situation is worse than in other parts of the country. A bitter territorial dispute continues about the currently Armenian-controlled entity of Nagorno-Karabakh, which led to open war between 1988 and 1994.

Over 90 per cent of Azerbaijan's population is ethnic Azeris (regarded as being of mostly Shia Muslim background), with around two per cent being Lezgins (who are regarded as being of Sunni Muslim background). Less than two per cent of the population are Russians or other Slavs (regarded as being of Russian Orthodox or other Christian background), with smaller percentages of Jews and other groups.

President Ilham Aliyev has ruled the country since 2003, after the death of his father Heidar Aliyev who ruled for most of the years since 1969. Under both Aliyevs, local and international human rights defenders have documented cases of electoral fraud, torture, and other violations of human rights and the rule of law. Despite massive oil wealth, much of the population remains in poverty. Transparency International describes corruption in the country as "rampant", and has uncovered large-scale bribery of foreign politicians and others to deny the regime's serious human rights violations.

"Tolerance", "dialogue", "multiculturalism"?

The regime, foreign apologists, and religious leaders coerced or co-opted by the regime use claims of what the regime calls "tolerance", "dialogue", "multiculturalism" and similar terms to deny the reality of the regime's serious human rights violations. For example, delegations of religious leaders are used for propaganda when the regime seeks international trade agreements. The regime and its foreign apologists even claim that other countries should promote "the Azerbaijani model of tolerance". It appears to people within Azerbaijan that the regime, with the collaboration of some foreigners, wants to empty such language of any connection with the regime's binding international legal obligations to ensure that everyone can exercise their freedom of religion and belief, freedom of expression, and other human rights and fundamental freedoms.

The rule of law?

Officials behave as if the rule of law, including published laws, places no limitations on their actions – for example in torturing people (see below). Trials for alleged offences often flagrantly lacked due process, including trials taking place without those accused being aware that the trials are happening. Officials do not allow legally or politically binding international human rights standards to which Azerbaijan is a party to limit their actions. These standards include the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Organisation for Security and Co-operation in Europe (OSCE) human dimension commitments.

Inter-governmental organisations have repeatedly criticised Azerbaijan's restrictions on freedom of religion and belief. Both the Council of Europe's Venice Commission and the OSCE have drawn extensively on their highly critical October 2012 Joint Opinion on the Religion Law in the OSCE/Venice Commission Joint Guidelines on the Legal Personality of Religion or Belief Communities (<http://www.osce.org/odihr/139046>).

The regime denied that the Venice Commission criticised the Law, claiming that: "the Venice Commission now considers that the Law on Freedom of Religious Belief adopted in Azerbaijan completely reflects European standards". However, the Venice Commission told Forum 18: "The Venice Commission adopted its Opinion fully aware of the Azerbaijani government's comments and therefore maintains its conclusions." Denials of reality are a routine tactic of the regime and its apologists.

In addition to the restrictions contained in published laws, many belief communities have found that there are also unwritten restrictions. Without indications of approval from senior regime figures, groups of people are unlikely to be allowed to exercise freedom of religion and belief. This in practice prevents communities from legally existing and carrying out activities such as opening places of worship, recovering property confiscated in Soviet times, holding public events and publishing religious literature.

Officials take full advantage of the unclear or undefined wording of laws and often ignore other laws and legal procedures. For example, raids on people exercising freedom of religion and belief without state permission often happen without the legally-required search warrant or court order, and illegally officials do not properly identify themselves and insult and verbally threaten those present.

Fines and prison terms are possible under Criminal Code Article 167 for obstructing others from conducting religious rituals. But no cases are known where state officials who have prevented people exercising their freedom of religion and belief have been charged or punished.

"Legal" human rights violations

Azerbaijan has constructed a complex labyrinth of "legal" restrictions on and punishments for exercising freedom of religion and belief and other freedoms, normally prepared in secret with no public consultation and rushed through parliament. The aim appears to be to impose state control of society, including any independent civil society activity, and to make all exercise of human rights dependent on state permission. Every significant change to the Religion Law, the Criminal Code, and the Administrative Code has imposed tighter restrictions on freedom of religion and belief and other freedoms.

Finding a defence lawyer willing to represent individuals accused under these laws is difficult and can be prohibitively expensive, especially in rural areas. Fines imposed on people are often difficult to pay, especially for people without access to higher-paid work in the capital Baku.

Many aspects of the laws used against the exercise of freedom of religion and belief and other human rights are highly problematic as the OSCE and Venice Commission noted. [A full analysis of the last major changes to the Religion Law in 2009 with subsequent 2011 changes is in Forum 18's April 2012 Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690.]

The main other legal justifications as of November 2018 used to justify violations of freedom of religion and belief violations are outlined below.

Post-Nardaran December 2015 restrictions

After the regime's November 2015 assault on the village of Nardaran near Baku and the Muslim Unity Movement (see below), hastily passed legal changes were signed into law by President Aliyev in December 2015.

Religion Law changes expanded Article 21 to introduce restrictions not only on religious rites and rituals, but also "attributes" or "symbols" (the term officials use for flags, slogans, etc.). Symbols such as slogans or religious signs (apart from on a person) were banned from being used outside places of worship, while religious flags can only be placed inside places of worship. Officials have long complained of Islamic wall-posters and flags on the streets of Nardaran, and they were removed after the assault on the village (see below). Article 21 was also changed to ban both Azerbaijani citizens who had studied abroad and non-Azerbaijani citizens from conducting Islamic rituals.

A new Criminal Code Article 168-1 ("Violation of the procedure for religious propaganda and religious ceremonies") was introduced. Part 1 punishes the conducting of Islamic rites by a citizen who has received their education abroad with one year's imprisonment, or a fine of between 2,000 and 5,000 Manats. Part 2 punishes "religious propaganda by foreigners and stateless persons" (except those invited by a registered religious headquarter organisation) with imprisonment of between one and two years. Either of these "crimes" committed repeatedly or by prior agreement among a group of people is punishable by between two and five years' imprisonment. Officials have not explained why those who conduct Islamic rituals are singled out for especially harsh punishment.

A new wide-ranging "Religious Extremism" Law was introduced, containing many unclear definitions, and allowing officials broad powers when dealing with what they claim is allegedly "extremist" activity. Such room for arbitrary official actions is common in legislation on exercising freedom of religion or belief. Similarly broadly-framed changes to Article 18 of the Citizenship Law allow citizenship to be removed from participants in religious groups the authorities claim to be "extremist".

Administrative Code changes introduced punishments for parents who fail to send their children to school. Officials have alleged that the inhabitants of Nardaran often failed to send children to state schools.

2016 Administrative Code

In March 2016 a new Administrative Code entered into force. Article 515 ("Violation of the procedure for creating or running religious organisations") and Article 516 ("Violation of legislation on freedom of religion") are the articles most frequently used against people exercising the right to freedom of religion and belief.

- Administrative Code Article 515 ("Violation of the procedure for creating or running religious organisations")

Article 515.0.1 bans "religious leaders who fail to register their communities with the state";

Article 515.0.2 bans "violating legislation on holding religious meetings, marches, and other religious ceremonies";

Article 515.0.3 bans "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";

Article 515.0.4 bans "religious associations operating away from their registered legal address";

Article 515.0.5 bans "activity by a religious association that is not in accordance with its statute". [A community's statute must be approved by the government for state registration and so for permission to exist to be given.];

Fines under Article 515 are: for individuals between 1,500 and 2,000 Manats; and for officials between 7,000 and 8,000 Manats.

A fine of 2,000 Manats (in November 2018 about 9,850 Norwegian Kroner, 1,015 Euros or 1,175 US Dollars) represents about four 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.

- Administrative Code Article 516, Criminal Code Article 167-2

Article 300 of the old Code was shortened in the new Article 516 by some parts being made "crimes" in Criminal Code Article 167-2. Article 516 adds a new punishment of deportation when these "offences" are by those who are not citizens.

Criminal Code Article 167-2 – adopted originally in December 2011 - bans: "Production, sale and distribution of religious literature (on paper and electronic devices), 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 for first time offenders acting alone are a fine of between 5,000 and 7,000 Manats or up to two years' imprisonment. Such a "crime" 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 ("Violation of legislation on freedom of religion")

Article 516.0.1 bans "sending citizens abroad to study religion or exchanging religious figures without the permission of the relevant government authority [the State Committee for Work with Religious Organisations]";

Article 516.0.2 bans "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 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.

A fine of 2,000 Manats represents in November 2018 about four 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.

Those found guilty under Article 516 also have their religious literature, merchandise and products or other materials confiscated. Foreigners or stateless persons involved in undefined "religious propaganda" face deportation. This term includes selling religious books and materials which have not passed the compulsory State Committee for Work with Religious Organisations censorship or selling them in venues not approved by the State Committee (see below).

Total state control of Islamic community

All mosques must belong to the state-controlled Caucasian Muslim Board, which appoints all imams. The Board also collaborates in the state's forcible closures of Sunni Muslim mosques and imposition of Shia imams on their congregations (see below).

State control is highly intrusive, including enforcing a Shia Muslim calendar on all Muslims. Muslims, particularly Sunnis, have objected to the state-imposed Shia-oriented calendar which dictates when they are allowed to pray and celebrate Muslim festivals. "This is a serious issue for us," one Sunni Muslim told Forum 18. "If we pray according to the calendar we believe is correct, they'll arrest us." The Muslim noted that the state does not impose compulsory calendars on Christians, Jews or members of other faiths.

The state-imposed Muslim calendar can impose a difference of up to an hour on Islamic five-times a day prayers. The official calendar also forces Sunnis to observe festivals – such as Ramadan – one or two days apart from the date they think they should be observed. One Muslim insisted that praying at the correct time is essential. "If we pray at a different time, God won't accept our prayers."

The Sunni Muslim regarded the imposition of a Shia-oriented calendar as discrimination against Sunnis. "They take all our freedom from us," the Muslim complained. "You have to believe like us – that's their message. I've got nothing against them praying their way, but they should let us pray in ours." Another Sunni Muslim supported the idea of a unified Muslim calendar, but only if it was based on what they regard as "the norms of Islam". "But the one they have drawn up is distorted and does not set the correct times," the Muslim told Forum 18. "It will lead to dissatisfaction."

Forum 18 has been told that if Muslims do not follow the state-imposed calendar, spies in the mosque would soon notify the institutions that they report to: the State Security Service (SSS) secret police, the State Committee, the local Administration or the state-controlled Muslim Board. Arrest and punishment could follow, the Muslim noted.

Compulsory state permission to exist

Under the Religion Law, backed by Administrative Code Article 515 ("Violation of the procedure for creating or running religious organisations"), all exercise of freedom of religion and belief by a group of people is illegal unless it has obtained state registration, and so permission to exist. To apply for permission to exist, a group must have at least 50 adult founding members, which bans all small religious communities. Many people are afraid to sign such registration applications, for fear of harassment and reprisals by the regime.

Four state bodies are particularly concerned with forcing belief communities to seek state permission to exist: the State Committee, the SSS secret police, the ordinary police, and

local Religious Affairs Commissions. All four bodies have made joint raids on people exercising freedom of religion and belief without state permission.

One of the tasks of the Commissions is to detect unregistered but active religious communities. They are supposedly advisory bodies and work closely with local State Committee officials. Typically Commissions have about 15 members, are led by a deputy head of a city or district administration, and include police officers and Muslim clerics from the state-controlled Caucasian Muslim Board. The presence of clerics from the Muslim Board means that one religious community is allowed to help decide whether other religious communities - whether non-Muslim, or Muslims independent of the Caucasian Muslim Board - are allowed to exist.

Registration applications need prior approval from local authorities before they even reach the State Committee, which itself has often rejected applications for unspecified "violations". The Religion Law itself also gives much scope for officials to arbitrarily stop communities registering, for example if "the activity or objectives of the religious organisation, or the nature and foundations of its teachings contradict the constitution and laws", or if "the presented charter (regulation) or other documents contradict the requirements of legislation or the information is wrong". One Baptist Church in Aliabad has been unsuccessfully repeatedly applying for registration since 1994. This makes it the religious community denied registration for the longest period known to Forum 18.

Even if a community gains permission to exist, there are severe restrictions. These include restrictions on what religious education can be offered to children and adults, and bans on religious activity happening anywhere apart from within the registered address of the community. The Religion Law also gives officials many possibilities to arbitrarily close registered religious communities.

Existence without state permission banned

Without state registration religious communities - and even informal groups of people meeting together - cannot legally exist or exercise freedom of religion and belief. Police and the SSS secret police have raided many religious communities that have chosen not to register, or have tried to register but have been refused. Requiring state permission to exercise freedom of religion and belief and other human rights is against Azerbaijan's legally binding international human rights obligations.

The registration process has almost ground to a halt, leaving many re-registration applications made after the 2009 Religion Law unanswered. Only 34 mosques were registered in 2017 and only 13 in 2018. No non-Muslims were registered in 2017 and only three (Seventh-day Adventist in Gyanja, New Apostolic Church in Baku, and Vineyard Church in Baku) in 2018.

Some religious communities have found that compulsory re-registration means de-registration. For example, the Baptist Union had 10 registered congregations in 1992.

After compulsory re-registration in 1994 it was six. After compulsory re-registration in 1999 it was eventually three by 2009. But after compulsory re-registration in 2009 only one congregation in Baku in 2015 was re-registered. All the other congregations which lodged applications - which they have repeatedly done - have received rejections.

Many religious communities have not legally challenged State Committee decisions as they think they cannot win. One stated that this is because of the "corrupt nature of this country's courts", while others cited fear of antagonising the State Committee.

Raids, prosecutions, torture

Raids on those exercising freedom of religion and belief without state permission in their homes continue. In a typical example, on 1 January 2017 a group of 15 police officers raided Tunzala Mamishova's home in Barda as 18 Jehovah's Witnesses met for worship and study. Officers, who refused to identify themselves, illegally forced their way into her home, filmed everyone present against their wishes and shouted insults. Police also confiscated 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, Vuqar Mammadov, hit a female Jehovah's Witness, pulled her hair and threatened her with a sexual assault. Such torture has often happened during raids (see below). Police also forced those present in the home to give statements. Tunzala Mamishova was on 29 March 2017 fined 1,500 Manats under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

In another example, on 17 September 2018 regional officials of the State Committee, the SSS secret police and other state agencies raided the home of Vuqar Mammadov in the small central town of Agsu. Officials claimed to be responding to alleged reports of a religious meeting without state permission, and found Mammadov and two guests, Agsu resident Rauf Majidov and Qanbar Zeynalov from the nearby village of Bozavand, meeting for religious purposes. All three Muslims were fined on 21 September 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, equivalent to between three and four months' average wages for those in formal work. Zeynalov was fined the maximum 2,000 Manats, and the other two men were fined 1,700 and 1,500 Manats.

The Judge's assistant told Forum 18 that "what faith they were is not important. They were dealt with simply in accordance with what the law specifies". He refused to explain why people should be punished for holding religious meetings without state permission.

Closing places of worship

As well as preventing groups of people from meeting for worship without state permission, the regime also closes buildings used as places of worship. These have mainly been mosques, but also Muslim prayer rooms in private organisations' buildings. Most of the mosques closed or demolished by the authorities have been Sunni.

In forcibly closing and taking over Sunni Muslim mosques, the government has used excuses such as an alleged need for "repairs". For example, all Baku's Sunni mosques such as the Lezgin Mosque, the Abu Bekr Mosque, and the Martyrs' Mosque (also known as the Turkish Mosque) have been closed. A Sunni Mosque in Qobustan near Baku was forced to give up its Sunni identity. The State Committee warned its leaders that if they did not liquidate the community, hand back documents for the Mosque, and allow the Mosque leadership to be replaced, the State Committee would go to court to enforce its liquidation. The Mosque leadership reluctantly complied with the state demand, and complied with the forced January 2015 state imposition of a Shia Caucasian Muslim Board imam. The regime insists that all mosques must be subject to the state-controlled Caucasian Muslim Board, which also must name all mosque prayer leaders.

The targeting of mosques for forcible closure continues. In April 2018, the SSS secret police, the ordinary police, and the State Committee launched a joint raid on a mosque in a home in Baku's Qaradag District. The mosque appears to be linked to a Sunni Naqshbandi Sufi community, a Muslim told Forum 18. Officials stated that young people

"were involved in religious ceremonies" at the unregistered "non-traditional" mosque and confiscated a large quantity of religious literature which was claimed to "incite discord". Officials then ordered the mosque to close. No official was willing to answer Forum 18's questions about why they targeted the mosque.

Bans on Islamic activities inside and outside mosques

In August 2008 a "temporary" ban on praying outside all mosques in the country was imposed, whose text has apparently never been made public. It is still in force. During the Muslim commemoration of Ashura, marked by Shia Muslims (the largest religious community in Azerbaijan) as a day of mourning, the authorities are particularly nervous about processions through the streets and large-scale gatherings in mosques. Police have stopped large numbers of Muslims from gathering near mosques.

Bans can also extend to activity inside mosques, such as on iftar meals in some mosques at the end of the Ramadan fast.

Prisoners of conscience on grounds of freedom of religion and belief

There were in September 2018 over 100 prisoners of conscience, including lawyers, journalists, human rights defenders and opposition politicians, according to the work of Rasul Jafarov, Intigam Aliyev and other local human rights defenders. Among current prisoners of conscience are about 30 Muslims associated with the Muslim Unity Movement, and one Imam for having foreign religious education and leading Friday prayers despite having permission from the state-controlled Caucasian Muslim Board.

The largest group of prisoners known to be currently jailed for freedom of religion and belief-related reasons are Muslims associated with the Muslim Unity Movement. These prisoners of conscience were jailed after having for some years opposed the regime, including but not limited to its violations of freedom of religion and belief. As well as politically opposing the regime, Imam Taleh 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 Bagirov's sermons, he strongly opposed the authorities attempts to impose total control of Muslims exercising the right to freedom of religion or belief. Bagirov compared the regime to the Egyptian pharaohs. "You have stolen people's land, you have stolen the oil, and you still sit there with no one to say anything to you", the Institute for War and Peace Reporting quoted Bagirov as saying. "Now you want to rule in the mosque too? No matter how influential an official is, he cannot rule inside the mosque."

While Bagirov was in jail for the second time as a prisoner of conscience, in January 2015 a group of Shia Muslims founded the Muslim Unity Movement and chose Bagirov as 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.

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 UN Committee Against Torture considered Azerbaijan's record (see below).

On 26 November 2015 the authorities assaulted the village of Nardaran while Muslims were praying. 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.

Officers detained more than 12 Muslim Unity Movement members - including leader, former prisoner of conscience and then-recently tortured Imam Bagirov. 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 anyone or advocated killing anyone, he replied "No".

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

Nardaran has a population of about 8,000 and is located on the northern shore of the Absheron peninsula 25 kms (15 miles) north of Baku. It is known as a stronghold of Shia Islam, and villagers have for example publicly protested at repressive Religion Law changes targeting Muslims.

Nardaran mosques forcibly closed and taken over

After the raid the authorities obstructed the holding of religious events in Nardaran, denied access to Muslim places of worship and forcibly closed mosques, claiming they cannot function without the compulsory state registration. State employees also removed religious flags and banners, and painted over religious slogans on walls.

On 5 December 2015, 10 days after the Nardaran raid, President Aliyev signed into law rushed legal changes to the Religion Law, the Criminal Code, the Administrative Code and the Citizenship Law, as well as a new "Religious Extremism" Law (see above).

Following the closure of at least four of Nardaran's mosques, officials repeatedly claimed that as they did not have state registration it was illegal for them to host prayers. 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, Rahimov being arrested at the mosque on 7 December. Nur was jailed for 30 days. Rahimov was given an 18-month prison term on 27 May 2016, apparently without a trial.

Officials said some mosques could reopen, but only after they have submitted to the state-controlled Caucasian Muslim Board and gained the compulsory state registration. Officials from the State Committee insisted that the leaders of the closed mosques had no official status in mosques as they had not been approved by the Caucasian Muslim Board, to which the state grants a monopoly over all Muslim activity in the country (except for Muslim institutions that it controls directly itself).

In a state-organised process after the arrest of former imam Rahimov, a new "community" was formed for the Rahima Hanum Mosque which drew up a registration application and sent it for approval to the Muslim Board. It approved the application and sent it to the State Committee, which approved it in September 2016.

Rahima Hanum Mosque became the only registered place of worship in the village - and thus the only legal place for people to meet for worship.

State Committee chair Mubariz Qurbanli stated in December 2015 that Nardaran's Juma (Friday) Mosque had not received re-registration during 2009 compulsory re-registration, and the other mosques never had registration. He stated that to be allowed to function, mosques must have official communities and apply for registration via the Muslim Board. The Muslim Board then sends the approved application to the State Committee for its decision. The State Committee has refused to answer Forum 18's questions about why Nardaran's Muslims cannot meet for worship as they choose, led by the leaders they choose.

Jailing prisoners of conscience

- Muslim Unity Movement

In January 2017 the Serious Crimes Court in Baku sentenced 18 Muslim men arrested during and after the Nardaran raid to prison terms of between 10 and 20 years on a range of serious charges, including terrorism, an attempt to seize power violently, illegal firearms possession, and murder. All denied any guilt. The Court gave Imam Bagirov and his deputy Imam Huseynov the harshest terms: 20 years' imprisonment each, with the first seven years to be served in Qobustan strict regime prison along the coast to the south-west of Baku. There have been well-authenticated reports of torture of prisoners in this and other prisons (see below).

In February 2018 Bagirov had five months added to his jail term for having in his prison cell micro-data cards with the text and audio recordings of the Koran and commentaries on it, religious music, and news reports on prosecutions of opposition political activists. Bagirov called the new sentence "biased and politically motivated".

The latest group of Muslims associated with the Muslim Unity Movement to be jailed were a group of 12, imprisoned in December 2017 for between 12 and 17 years.

- Jailed for leading Islamic prayers with foreign education

In July 2017 Azerbaijan for the first time jailed a man who led Friday prayers with Caucasian Muslim Board permission, allegedly because he had foreign religious education – even though that is also true of much of the leadership of the Caucasian Muslim Board. Oktay Gulaliyev of Azerbaijan Without Political Prisoners told Caucasian Knot that Imam Babayev had been jailed "because of his popularity among believers". He described the Imam as "an educated theologian" whose sermons "aroused great interest". "The authorities see a threat in the activity of believers", he explained.

Sardar Akif oglu Babayev (born 12 March 1974) is married with three children. He completed theological studies at Al Mustafa University in the Iranian city of Qom in 2000. He also studied Islam in Baku. At the invitation of the state-controlled Caucasian Muslim Board, Imam Babayev led the namaz (Friday prayers) at Masalli's Juma (Friday) Mosque from 2009. He was specifically charged with having led Friday prayers on 4 November, 18 November, and 9 December 2016. In late 2016, the head of Masalli District administration, Rafil Huseynov, wrote a complaint about Imam Babayev to police and in the subsequent court case he was jailed for three years.

Imam Babayev had been under arrest since February 2017, and had been denied access to a Koran and a prayer mat."Sardar Babayev said that no religious education existed in

Azerbaijan for decades, and most of the current religious leaders of the middle and older generations studied abroad," his lawyer Javad Javadov stated, summarising Imam Babayev's final statement to the court. "He said he was completely innocent." "All I have done is carry out the worship of Allah", Babayev told the court.

He was jailed under the post-Nardaran introduced Criminal Code 168-1.3.1 ("Violation of the procedure for religious propaganda and religious ceremonies") (see above).

The European Court of Human Rights (ECtHR) in Strasbourg has asked the regime to respond to three cases of unjust pre-trial detention. In the case of the jailing of Imam Babayev (Application No. 34015/17), the ECtHR asked the regime whether it violated his right to freedom of thought conscience and religion under Article 9 of the European Convention of Human Rights and Fundamental Freedoms, as well as the related rights to a fair trial (Article 6), freedom of expression (Article 10), freedom of assembly and association (Article 11), and prohibition of discrimination (Article 14). The ECtHR also asked on what grounds Babayev was held for months in pre-trial detention (Article 5 - "Right to liberty and security") and whether being held in a metal cage in the courtroom broke the Convention's prohibition of torture, inhuman or degrading treatment (Article 3) (see <http://hudoc.echr.coe.int/eng?i=001-186531>).

The ECtHR told Forum 18 that the regime has until 1 February 2019 to reply.

On 26 May 2016 the United Nations Working Group on Arbitrary Detention condemned "the severe limitations placed on the work of human rights defenders, journalists, political opponents and religious leaders" which it observed during its visit to Azerbaijan that month. "The Working Group holds the view that human rights defenders, journalists, political and religious leaders continue to be detained under criminal or administrative charges as a way to impair the exercise of their basic human rights and fundamental freedoms and to silence them," it stated in its preliminary findings of the visit. "These practices constitute an abuse of authority and violate .. the rule of law that Azerbaijan has agreed to comply with."

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

Prison conditions

As well as torture (see below), prison conditions can be harsh. Two former female Jehovah's Witness prisoners of conscience, Irina Zakharchenko and Valida Jabrayilova, were imprisoned from February until December 2015 in a "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 told Forum 18. "The smell of sewage in this 'cage' was suffocating."

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

(Zakharchenko and Jabrayilova had been arrested in February 2015 for offering one religious book publicly without the compulsory state permission. They finally received compensation for their maltreatment in October 2018 following an ECtHR judgment in their favour.)

Muslim prisoners of conscience have been denied Korans, and the Jehovah's Witness women were not allowed a Bible or other religious literature.

Torture

The United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Azerbaijan acceded to on 16 August 1996, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention Azerbaijan is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4 Azerbaijan is obliged to try them under Criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature".

Yet torture of those arrested and imprisoned continues to be very frequent, and officials torture with impunity from arrest, trial, and punishment. For example, 17 of the 18 Muslims jailed in January 2017 for their alleged involvement with the Muslim Unity Movement (see above) 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 (who experienced torture during previous terms as a prisoner of conscience) stated: "It is one thing to beat or put an electric current through a person, but we are speaking here of horrific tortures."

No officials were arrested or tried for torturing the prisoners of conscience when they testified to being tortured. Instead, officials denied that torture happened. An officer of the Main Directorate for the Struggle with Organised Crime in Baku claimed to Forum 18 that "there was no torture here, none at all". The officer – who would not give his name as it is "secret" – insisted that "our officers did everything in accordance with the law".

As noted above, torture also happens during raids on anyone exercising freedom of religion and belief. For example in a September 2013 raid on a Jehovah's Witness family, police forced their way into their home and confiscated books including personal Bibles, money, and medical and financial documents. Against the law, police gave the family no record of their confiscations. One of the women present was injured by police and needed hospitalisation when, during detention, she had an epileptic fit. Police detained those present at a police station for 12 hours, claiming they were terrorists, repeatedly threatening detainees with sexual violence and loss of employment. Police also pressured detainees to give up their faith, and seven people were fined the equivalent of one year's salary.

On 28 January 2009 Azerbaijan acceded to the Optional Protocol to the UN Convention against Torture and Other cruel, Inhuman or Degrading Treatment or Punishment, whose purpose is to "establish a system of regular visits undertaken by independent international and national bodies". On 17 September 2014 the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment suspended its visit as it "was prevented from visiting several places where people are detained and was barred from completing its work at other sites, despite repeated attempts to do so and assurances of unrestricted access to all places of deprivation of liberty by Azerbaijani authorities".

In its Concluding Observations on Azerbaijan adopted on 26 November 2015 (CAT/C/AZE/CO/4), the United Nations Committee Against Torture (CAT) expressed concern about "numerous and persistent allegations that torture and ill-treatment are

routinely used by law enforcement and investigative officials, or with their instigation or consent". The CAT added that it was "particularly concerned that, according to the State party's report, during the period 2010-2015 not a single individual was prosecuted despite the 334 complaints against officials of the prison system for torture or ill-treatment investigated by the Prison Service between 2009 and 2013", as well as numerous complaints of torture by police and other agencies. The CAT noted that Azerbaijan's failure to prosecute anyone for torture is "a strong indication that investigations into allegations of torture are not conducted in a prompt, efficient and impartial manner".

In July 2018 the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published reports on six visits between 2004 and 2017. It stated that: "The CPT's overall impression of the situation in Azerbaijan is that torture and other forms of physical ill-treatment by the police and other law enforcement agencies, corruption in the whole law enforcement system and impunity remain systemic and endemic". The CPT also stated that "the findings during the 2017 ad hoc visit suggest the existence of a generalised culture of violence among the staff of various law enforcement agencies".

Conscientious objection

Ahead of its accession to the Council of Europe in January 2001, Azerbaijan promised "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative Civilian service".

Azerbaijan has never done this, and conscientious objectors to military service have been repeatedly prosecuted and even jailed under Criminal Code Article 321.1. This states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

In November 2016 Concluding Observations (CCPR/C/AZE/CO/4), the UN Human Rights Committee stated that Azerbaijan "should adopt without delay the legislation necessary to give effect in practice to the constitutionally recognized right to conscientious objection to military service, without limitation on the category of conscientiously held beliefs. Moreover, it should provide for alternative service of a civilian nature for conscientious objectors and repeal all sanctions against them."

In July 2018, 18-year-old Jehovah's Witness Emil Mehdiyev, who has repeatedly expressed willingness to perform a civilian alternative to compulsory military service, was given a criminal conviction, a one-year suspended prison term, and put under probation for one year. In September 2018 another Jehovah's Witness conscientious objector, Vahid Abilov, received the same sentence.

Other similar criminal cases against other young male conscientious objectors were lodged with Prosecutor's Offices in 2018.

The ECtHR in Strasbourg is expected to in late 2018 deliver decisions over five Jehovah's Witness conscientious objectors convicted in Azerbaijan between 2007 and 2013. Four of these were jailed.

Censorship

A harsh censorship regime backed by the Criminal Code, the Religion Law, and Administrative Code Article 516 ("Violation of legislation on freedom of religion") (see above) is in force. All religious literature printed in and imported into the country must gain specific approval from the State Committee. It also specifies the number of copies of each named work that may be printed or imported, checks the contents of shops selling religious literature, and has a list of banned religious literature which the "Expert Analysis" Department – which is responsible for the list – has not made public, despite numerous requests.

Despite the country's Constitution banning censorship, Article 9.2 of the July 2001 Statute specifying the State Committee's duties states it must: "Take control of the production, import and distribution of religious literature, items, and other religious informational materials and give its consent on the bases of the appeals of the religious institutions and relevant state bodies in accordance with the established procedure". This duty was later transferred to Article 7.9-6.

In a 6 February 2013 Decree, President Aliyev changed the Statute's two references to "religious literature, articles, and other information materials of religious content" in Article 7.8 and Article 7.9-6 to "religious literature (paper and electronic media), audio and video materials, goods and products, and other informational materials of religious content".

Religious literature published openly in Azerbaijan usually contains a sentence on the copyright page "Publication approved by the State Committee for Work with Religious Organisations", together with the Code of the approval (DK for State Committee with a number and letter).

July 2012 legal changes state that medicines, books and recordings, and "literature with a religious purpose (both hard copy and electronic), audio and video material, goods and produce and other information material with a religious theme" require a state-issued "verification mark" before they can be sold. Those selling religious materials without such marks risk fines and confiscation of the materials.

In April 2013 Article 22 of the Religion Law was changed to require all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country. It also requires that religious materials be sold only in specially designated shops.

"Expert Analysis Department"

The State Committee "Expert Analysis Department"'s main task is censorship of religious literature which individuals or religious communities want to publish or import into Azerbaijan. If it approves them it also specifies the number that it approves. Such numbers are often far below the number sought.

Censorship, including pre-publication censorship, is strictly enforced. In February 2018 the State Committee banned a so-far unpublished book on Islam by prominent Muslim theologian Elshad Miri. The State Committee was given the book for censoring by Miri's publisher. The book, called "Things Not Existing in Islam", covers seven ideas about what Islam teaches. Chapters include "There is no magic in Islam", and "There is no child marriage in Islam".

The State Committee "expert analysis" by Chief Specialist Namiq Jiriyev objects on exclusively theological grounds to "ideas in the book that could have a negative influence on religious stability in the country. The book is, therefore, deemed unsuitable for publication". Miri pointed out to Forum 18 that the ban on his book was based on

"subjective considerations", and condemned the system of state censorship of religious literature. "It is not right to forbid anyone to think freely".

Miri lost his challenge to the ban in the lower court, and intends to appeal to the city court.

Even if the compulsory State Committee "expert analyses" are favourable, there can be further arbitrary restrictions. There is also a strict censorship regime on literature sent by post, due to which many religious communities have stopped using the post to receive literature. Many members of religious communities have complained of the extraordinary effort needed to try to extract even a handful of books that should rightfully be theirs, which often ends in failure.

Religious literature is also often confiscated from those crossing into Azerbaijan, and is occasionally confiscated also from those leaving the country. State Customs Committee advice for people crossing the border states: "The following goods can be brought by physical persons through the customs border of the Azerbaijani Republic with the permission of the competent agency: weapons designed for official or private use, as well as ammunition for them can be carried only with the special permission of the Interior Ministry; literature, objects, as well as other media of religious significance can be carried only with the permission of the State Committee for Work with Religious Organisations".

"The most radical and dangerous banned books"

On 5 May 2014 a list of what Baku's APA news agency described as "some of the most radical and dangerous banned religious books" was published by them. The list – apparently compiled by police based on State Committee "expert analyses" – is not so far known to have been published by any state agency. When contacted by religious communities, the State Committee claimed it was "false" and did not come from them – but they refused to put this in writing.

Police may be acting on the basis of this or a similar list in confiscations of what they have described as "the banned book the Old Testament". This confiscated text is the "Muqeddes Kitab", a modern Azeri-language translation in Latin script used by Jehovah's Witnesses, Protestants, and Jews.

The list of 28 works includes "Holy Book – Old Testament", and as with other items on the list gives no details of the edition or language concerned, apart from in some cases a named author. It also includes the 14-volume Risale-i Nur (Messages of Light) collection of writings by the Islamic theologian Said Nursi, as well as two Jehovah's Witness publications, including their magazine "Watchtower" (which appears twice). The list does not appear to include all texts confiscated by police, and may not be the only such list in existence.

Most texts on the list are Muslim. "Judging by the titles of others they are Shiite and relate to its religious ideology and history," a Muslim told Forum 18 from Baku. "Some of them express hatred of Wahhabism/Salafism. One – entitled 'The consequences of Jewish evil' – appears to be an antisemitic text".

Zeka Miragayev, a Muslim from Baku, asked the State Committee whether works by Islamic theologian Said Nursi – particularly the Risale-i Nur collection – have been banned and, if so, when, why and by whom. In May 2014 the State Committee told him that the Risale-i Nur is "inappropriate for import in large quantities or publication, and has not objected to it being brought into the country only in special cases when there is no intention of propaganda (and on condition of no more than one copy)".

A friend of Miragayev noted to Forum 18 that "They didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?"

In August 2016 Nahid Mammadov, head of the State Committee's "Expert Analysis" Department stated that all works by Turkish imam Fethullah Gulen (who now lives in the United States) have been banned for import into Azerbaijan, after the State Committee secretly decided in 2008 that his works were "inappropriate" for import. He claimed that religious literature is not "banned" for import, but the State Committee decided on texts' "appropriateness" or "inappropriateness" for import.

De facto discrimination against small or vulnerable religious groups

Despite official controls, many Muslims state that publishing Islamic literature is not difficult, and that often printers do not ask to see any approval from the State Committee before they print books or other literature. Small or vulnerable religious groups though, especially those wanting to publish in Azeri, face difficulties. "If a book is connected with religion, the printer will ask to see permission in writing from the State Committee, including the number of copies they are allowing to be printed," one Protestant said. "No printing house will print anything without this approval." Small and vulnerable religious groups expressed frustration not only about denials of permission, a frequent occurrence, but at the way the State Committee often does not reply to requests for permission.

Small or vulnerable religious groups have also told Forum 18 that some photocopy shops refuse to copy their literature, in many cases because the shop is afraid of state reprisals.

Bookshop censorship

State permission is needed to sell any religious literature, objects, or information materials, as noted above. However, the compulsory licensing before religious books and objects can be sold is not uniformly applied across the country. Some general bookshops, street traders and places of worship sell religious titles apparently without the necessary permission. Local people state that this leaves them vulnerable to officials seeking bribes to ignore evasions of the law. Arbitrary refusals and long delays in processing licences to sell religious literature, as well as approvals of the titles and quantities to be sold, appear common.

Raids and fines against people who sell or distribute religious texts or objects without state permission continue. In summer 2018, Samad Alikhanov had sold religious books in the northern city of Sheki without state permission and was on 6 August fined about four months' average wages. Similarly, Zahir Mirzayev, was in February fined about five months' average wages for the same "offence".

Both were 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").

On 16 February 2018, State Committee official Ilqar Valiyev found Adil Zinkiyev selling 19 religious and historical books and 16 pamphlets at a mosque in the northern Zaqatala District. None had undergone the compulsory state censorship.

Zinkiyev was – unusually for "offences" involving religious texts – fined under Administrative Code Article 451 ("Storing with the intention of sale or distribution, taking outside the place of production, or selling or distributing in any other way goods, products and informational material that should bear a control mark but do not have such a mark"). Such items include alcohol, tobacco and religious literature, and there are fines of 50 Manats per item for individuals (to a maximum of 5,000 Manats), 100 Manats per item for officials (to a maximum of 10,000 Manats), and 150 Manats per item for legal entities (to a maximum of 50,000 Manats). In addition, items without the stickers authorising sale are to be confiscated.

Zinkiyev was fined 1,750 Manats, more than three and a half months' average wages for those with a formal job, or 50 Manats for each of the 35 confiscated publications. State Committee official Valiyev refused to answer Forum 18's questions about the case.

Nakhichevan

The situation in the Nakhichevan exclave is worse than in the rest of the country. An autonomous territory of Azerbaijan on the Arax River wedged between Armenia, Turkey and Iran, the exclave has a population of more than 400,000 and its own rulers and unfree parliament. The autonomous territory's restrictions on people's ability to exercise human rights, including freedom of religion and belief and other political and social freedoms are far tighter than in the rest of Azerbaijan. These include a de facto ban on people exercising freedom of religion and belief who are Shia Muslims outside state control, Sunni Muslims meeting as communities, and non-Muslims such as Baha'is, Seventh-day Adventists, Hare Krishna devotees, or Russian Orthodox. There is long-standing tight government surveillance of mosques, the only places of worship permitted, and many have been closed. Many people are afraid to attend mosques.

Future prospects

The regime systematically violates intertwined fundamental rights – such as the freedoms of religion or belief, of expression, and of assembly – it has solemnly undertaken to respect and defend, while loudly claiming the regime's alleged "religious tolerance", "dialogue" and similar assertions. Yet without genuine independently verifiable implementation of the state's binding international human rights obligations, Azerbaijan is likely to remain a place where fundamental human rights are violated with impunity.

Fines, censorship amid state control of Islam

Agsu court fined three Muslims after state religious affairs officials and secret police raided a home religious meeting. A Baku court rejected theologian Elshad Miri's appeal against a state ban on his book on Islam. The government must explain to the European Court of Human Rights why it jailed Sardar Babayev for leading mosque prayers.

By Felix Corley

Forum 18 (03.10.2018) - <https://bit.ly/2OVEQop> - Three Muslims have each been fined up to four months' average wages to punish them for holding a religious meeting in a home. Officials of the State Committee for Work with Religious Organisations and the State Security Service (SSS) secret police raided the home in the central town of Agsu on 17 September.

"What faith they were is not important. They were dealt with simply in accordance with what the law specifies," the Judge's Assistant told Forum 18. He refused to discuss why individuals should be punished for holding religious meetings without state permission.

In July a police officer in Sumgait threatened to take Jehovah's Witnesses to the police station after he and two other officials interrupted a religious meeting in a home (see below).

The Agsu fines came as a Baku court rejected the challenge by Muslim theologian Elshad Miri against the State Committee ban on his book on Islam. Miri condemns the state's censorship and intends to appeal further to Baku Appeal Court (see below).

The European Court of Human Rights (ECtHR) in Strasbourg has given the Azerbaijani government until 1 February 2019 to respond to questions about the jailing of 44-year-old Sardar Babayev, punished for leading Muslim worship having gained his religious education outside Azerbaijan (see below).

All exercise of freedom of religion and belief without state permission is illegal. As the largest religious community, Muslims are subject to specific extra restrictions which do not apply to other faiths.

All mosques must belong to the state-controlled Caucasian Muslim Board, which appoints all imams. The Board also collaborates in the state's forcible closures of Sunni Muslim mosques and imposition of Shia imams on their congregations. The state also imposes compulsory censorship on all religious publications and objects of any belief (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). The state also enforces a Shia Muslim calendar on all Muslims, including Sunni Muslims.

Officials, secret police raid home meeting

On 17 September, regional officials of the State Committee for Work with Religious Organisations, officers of the State Security Service (SSS) secret police and officials of unspecified other state agencies raided the home of Vuqar Mammadov in the small central town of Agsu. Officials claimed to be responding to alleged reports of a religious meeting without state permission "in violation of the law", local news agencies quoted the State Committee as declaring the following day.

State Committee officials found Mammadov and two guests, Agsu resident Rauf Majidov and Qanbar Zeynalov from the nearby village of Bozavand, meeting for religious purposes. Officials then charged all 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, equivalent to between three and four months' average wages for those in formal work.

On 21 September, Judge Tahir Ismayilov of Agsu District Court found all three Muslims guilty, his assistant told Forum 18 from the court on 1 October. The Judge fined Zeynalov the maximum 2,000 Manats. The other two men were fined 1,700 and 1,500 Manats.

"What faith they were is not important"

"Judge Ismayilov paid no regard to whether these were Muslims or not," the Judge's assistant told Forum 18 about Mammadov, Majidov and Zeynalov. "What faith they were is not important. They were dealt with simply in accordance with what the law specifies." He refused to discuss why individuals should be punished for holding religious meetings without state permission.

The assistant added that the court has already informed regional State Committee official Rahim Rahimli – who initiated the prosecutions - of the convictions and fines.

No appeals from Mammadov, Majidov or Zeynalov have yet reached Sheki Appeal Court, officials there told Forum 18 on 2 October.

Forum 18 was unable to reach Rahimli, regional representative of the State Committee in the nearby town of Shamakhi, on 1 and 2 October to find out why officials raided a religious meeting in a home and brought cases to punish the participants.

Asked about the Agsu raid on 1 October, an official of the Public Relations Department of the SSS secret police in Baku – who did not give his name – refused to discuss anything. "Ask the State Committee," he said, before putting the phone down. The telephone number of Agsu District SSS is not made public.

Another mosque forcibly closed

Raids on meetings for worship without state permission are frequent. Mosques without state permission are illegal and particularly vulnerable to raids and enforced closure.

The most recent known raid was on Friday 11 May, when officials of the State Committee, police, SSS secret police and Khazar District Administration raided a mosque in a single-storey house in Bina in eastern Baku, the State Committee noted on its website the same day. Officials too were responding to alleged reports of violations of the law on the procedure for holding religious meetings and ceremonies and claim to have found them.

State Committee officials drew up a record of an offence against Gulverdi Binyatov under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). They sent the case to Khazar District Court.

Khazar District Court officials told Forum 18 on 25 June that they could find no record of any case against Binyatov. No appeal against any conviction was heard at Baku Appeal Court.

The 11 May raid and enforced closure of the Bina mosque came amid a spate of such raids and closures.

The authorities have over many years particularly targeted Sunni mosques for closure.

"He threatened to take them to the police station"

Officials raid meetings for worship of other faiths. On 14 July, Police Officer Shahmar Qahramanov and two other officials interrupted a religious meeting held in the home of Jehovah's Witness Sona Mammadova in Sumgait, a city on the Caspian Sea north of Baku.

Officer Qahramanov told those present they could not meet in a home and offered to help them find a place to rent. "He threatened to take them to the police station if they did not disperse, so the attendees ended the meeting to comply with the officer's demand," Jehovah's Witnesses told Forum 18.

Who can publish religious books?

Baku-based Muslim theologian Elshad Miri has failed to overturn the State Committee's ban on the publication in Azerbaijan of his book "Things Not Existing in Islam". The book has already been published abroad, including in Azeri in Turkey and Kyrgyzstan.

Miri's book covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam" (see F18News 14 May 2018 http://www.forum18.org/archive.php?article_id=2376).

On 18 September, Judge Aygun Abdullayeva of Baku's Administrative Economic Court No. 1 rejected Miri's suit against the State Committee, according to court records.

The case began in court on 4 April, with further hearings in May. At the 15 May hearing, Judge Abdullayeva ordered a religious studies "expert analysis" of Miri's book. This was assigned to Islamic scholar Anar Qafarov of Baku's state-controlled Theology Institute.

Qafarov's 9 August conclusions stated that Miri's book does not incite religious hatred or enmity, or conflict between religions and denominations. However, it claimed that some parts of the book could have a negative influence on the religious situation in the country. Qafarov maintained that the book could be published if Miri changes its title and some of the chapter headings, and gives more sources.

Following Judge Abdullayeva's rejection of his suit, Miri condemned state censorship of religious literature in 19 September Facebook messages. "Long live censorship!" he noted sarcastically. "I have no freedom of religion now! This is once again confirmed by court decision!"

Opposition member of parliament Fazil Mustafa of the Great Formation Party also condemned the decision in a 19 September Facebook message. He said the ban on Miri's book "contradicts the Constitution".

Miri's lawyer Elmar Suleymanov also condemned what he called an "unjust decision". "We hope that the Appeal Court will nevertheless issue a just decision," he told Forum 18 from Baku on 23 September.

Suleymanov added on 3 October that the court told him that day that the written decision is still not ready. He said as soon as they receive it they will lodge an appeal to Baku Appeal Court.

The official who answered the phone at the State Committee's Expert Analysis (Censorship) Department on 2 October refused to put Forum 18 through to Department head Nahid Mammadov. He also refused to discuss with Forum 18 why the State Committee had banned the publication of Miri's book in Azerbaijan.

The state imposes compulsory prior censorship on all religious publications and objects of any belief, whether produced in or imported into Azerbaijan (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

European Court of Human Rights questions popular preacher's jailing

The European Court of Human Rights (ECtHR) in Strasbourg asked the Azerbaijani government on 4 September to respond to three cases complaining of unjust pre-trial detention.

In the case of the jailing of Shia Imam Sardar Babayev for leading Muslim worship, the ECtHR asked the government whether it violated his right to freedom of thought conscience and religion under Article 9 of the European Convention of Human Rights and Fundamental Freedoms, as well as the related rights to a fair trial (Article 6), freedom of expression (Article 10), freedom of assembly and association (Article 11), and prohibition of discrimination (Article 14).

The ECtHR also asked on what grounds Babayev was held for months in pre-trial detention (Article 5 - "Right to liberty and security") and whether being held in a metal cage in the courtroom broke the Convention's prohibition of torture, inhuman or degrading treatment (Article 3) (see <http://hudoc.echr.coe.int/eng?i=001-186531>).

The ECtHR gave the Azerbaijani government until 1 February 2019 to submit its responses, Court officials told Forum 18 from Strasbourg on 27 September.

Jailed for preaching popular sermons?

Arrested in February 2017, Imam Sardar Akif oglu Babayev (born 12 March 1974) was given a three-year prison term by a court in the southern town of Masalli in July 2017. He was punished for leading worship in a Muslim community after having gained his religious education outside Azerbaijan, the first known individual to have been punished for this "crime".

Imam Babayev was jailed despite having led prayers at the state-controlled Caucasian Muslim Board's invitation, but local human rights defenders suggested that the state saw the popularity of the Imam's sermons among Muslims as a threat (see F18News 10 July 2017 http://www.forum18.org/archive.php?article_id=2295).

Prisoner of conscience Babayev was sentenced under Criminal Code Article 168-1.3.1 ("Violation of the procedure for religious propaganda and religious ceremonies"), including the conducting of Islamic rites by a citizen who received their Islamic education abroad, and committing this "crime" repeatedly carries a penalty of 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 especially targeting Muslims who exercise their freedom of religion and belief.

Prisoner of conscience Babayev's lawyer Javad Javadov lodged the case to the ECtHR (Application No. 34015/17) on 2 May 2017, after he failed to overturn his challenge through the local courts against his February 2017 arrest.

Javadov updated the application to the ECtHR after Masalli District Court handed down the three-year prison sentence in July 2017. Shirvan Appeal Court rejected Imam Babayev's appeal in September 2017.

A panel of Judges at the Supreme Court in Baku, with Judge Gulzar Rzayeva presiding, rejected Imam Babayev's final appeal against his conviction on 13 February 2018, according to court records.

Babayev is currently being held in Prison No. 17 in Bina in eastern Baku. "He faces no obstacles in praying, and he has a Koran," his lawyer Javadov told Forum 18 on 1 October. "Conditions are reasonable."

The address of the prison where Babayev is being held:

17 sayli Cazacakma müəssisəsi

AZ-1045, Bakı sahəri

Khazar rayonu

Bina qəsəbəsi

Heavy fines for selling unapproved literature

By Felix Corley

Forum 18 (11.09.2018) - <https://bit.ly/2MIINsu> - Samad Alikhanov and Zakir Mirzayev were fined up to five months' average wages for offering religious literature for sale without state permission. The literature was confiscated. On 18 September a Baku court resumes hearing theologian Elshad Miri's suit against the State Committee pre-publication ban on his book on Islam.

Courts continue to hand down fines of up to five months' average wages on individuals who offer such literature for sale in unapproved locations or without the stickers to show the books have undergone state censorship. Azerbaijan imposes tight prior compulsory state censorship of all religious literature published, sold or distributed in or imported into the country.

Administrative Code Articles under which three individuals were punished for offering religious literature specify that the literature is to be confiscated.

Samad Alikhanov, who offered religious books for sale without state approval in the northern city of Sheki, failed to overturn his large fine on appeal on 4 September. He had been fined about four months' average wages in August (see below).

Similarly, Zakir Mirzayev, who offered religious books for sale without state approval in the south-eastern city of Shirvan, failed to overturn his large fine on appeal on 27 July. He had been fined about five months' average wages in February (see below).

Meanwhile, Adil Zinkiyev, who sold religious books at a mosque in the northern Zaqatala District which had not undergone the compulsory state censorship, was fined for selling products without the compulsory stickers to show they have state approval for sale. In what appears to be a new move, he was punished under the Administrative Code not for selling uncensored religious literature, but for selling items that require state approval for sale, such as alcohol, tobacco and religious literature. Sheki Appeal Court rejected his appeal on 18 May (see below).

No official of the State Committee for Work with Religious Organisations in the capital Baku was prepared to talk to Forum 18 on 11 September. Officials put the phone down as soon as Forum 18 began to ask why individuals are punished for offering religious literature without state permission.

Baku-based Islamic theologian Elshad Miri is challenging in court the State Committee's February pre-publication ban on his book "Things Not Existing in Islam", which prevented it being published in Azerbaijan. Baku's Administrative Economic Court No. 1 is due to resume hearing Miri's suit against the State Committee decision in the afternoon of 18 September (see below).

Miri's lawyer Elmar Suleymanov broadly welcomed the generally positive assessment of his client's book by the State Committee-appointed expert. He said that the State Committee had been unable to demonstrate any harm caused by the earlier publication of parts of the book in magazines (see below).

Complete religious literature censorship

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 (each costing 0.02 Manats) noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship.

"One of the main directions of our activity is to prevent the spread of unauthorised religious literature," a Deputy Chair of the State Committee, Siyavush Heydarov, told the local Trend news agency on 27 January 2017.

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".

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. People who sell religious literature and materials without such permission are routinely fined, with the materials being seized.

In 2017 the European Court of Human Rights (ECtHR) in Strasbourg asked the Azerbaijani government to respond in several Jehovah's Witness cases where the State Committee banned the import of their publications or police and the courts detained and punished individuals for distributing religious literature "illegally".

In all, Jehovah's Witnesses have lodged four cases to the ECtHR in Strasbourg and one complaint to the United Nations Human Rights Committee over Azerbaijan's earlier censorship of their religious literature. The State Committee has not withheld permission for imports of Jehovah's Witness literature since November 2015.

Sheki: Appeal against large fine fails

In summer 2018, officials found Samad Alikhanov offering religious literature for sale without state permission in the northern city of Sheki. A case was prepared against him under Administrative Code Article 516.0.2.

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.

A fine of 2,000 Manats (9,850 Norwegian Kroner, 1,015 Euros or 1,175 US Dollars) represents about four 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.

On 6 August, Judge Jahid Imanov at Sheki District Court fined Alikhanov 2,000 Manats, the Judge's assistant told Forum 18 on 11 September.

Alikhanov appealed against his fine to Sheki Appeal Court. However, on 4 September Judge Rafail Aliyev rejected his appeal and left the fine unchanged, the Appeal Court chancellery told Forum 18 on 11 September.

The telephone of Taleh Abdullayev, the Sheki regional representative of the State Committee, went unanswered each time Forum 18 called on 11 September.

Shirvan: Appeal against large fine fails

In early 2018, officials found Zakir Mirzayev offering religious literature for sale without state permission in the south-eastern city of Shirvan. A case was prepared against him under Administrative Code Article 516.0.2.

On 26 February, a Judge at Shirvan City Court fined Mirzayev the maximum 2,500 Manats. This represents about five 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.

Mirzayev appealed against his fine to Shirvan Appeal Court. However, on 27 July, Judge Kamil Bashirov rejected his appeal and left the fine unchanged, the Appeal Court chancellery told Forum 18 on 5 September.

The telephone of the Shirvan regional representative of the State Committee went unanswered each time Forum 18 called on 11 September.

Punishment for selling non-approved books

The regional official of the State Committee in the northern region of Zaqatala, Ilqar Valiyev, arrived at about the time of Friday prayers on 16 February at the mosque in the village of Car, 5 kms (3 miles) north-east of Zaqatala. The village – with a population of about 5,000 – is mainly Avar-speaking and is close to Azerbaijan's northern border with Russia.

Valiyev found the 37-year-old Adil Zinkiyev offering 19 religious and historical books and 16 pamphlets for sale outside the mosque. The Islamic publications were in Avar, Russian and Arabic, many of them published in Russia. They had not undergone the compulsory state censorship and were not marked with the required State Committee sticker.

Valiyev prepared a record of an offence under Administrative Code Article 451. This punishes "Storing with the intention of sale or distribution, taking outside the place of production, or selling or distributing in any other way goods, products and informational material that should bear a control mark but do not have such a mark". Such items include alcohol, tobacco and religious literature.

Article 451 specifies a fine of 50 Manats per item for individuals (to a maximum of 5,000 Manats), 100 Manats per item for officials (to a maximum of 10,000 Manats), and 150 Manats per item for legal entities (to a maximum of 50,000 Manats). In addition, items without the stickers authorising sale are to be confiscated.

On 6 March, Judge Arif Ismayilov of Zaqatala District Court fined Zinkiyev 1,750 Manats. This represents more than three and a half months' average wages for those with a formal job. It appears the judge fined Zinkiyev 50 Manats for each of the 35 seized publications.

Valiyev claimed in court that Zinkiyev had violated Article 22 of the Religion Law. This Article sets out the requirement for all religious literature offered for sale to be marked with the State Committee stickers to show that it has undergone the state religious censorship. It also requires State Committee permission for religious literature to be sold in a particular location.

Zinkiyev appealed against the punishment. However, on 18 May, Judge Rafail Aliyev of Sheki Appeal Court rejected his appeal and left the fine unchanged, according to the decision seen by Forum 18.

Reached on 11 September, religious affairs official Valiyev claimed he could not hear Forum 18's questions and put the phone down. Called back immediately, his mobile phone had been switched off.

Theologian's challenge to state's book ban to resume in court

Baku-based Islamic theologian Elshad Miri lodged a suit to court, challenging the State Committee's pre-publication ban on his book "Things Not Existing in Islam". The book covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam" (see F18News 14 May 2018 http://www.forum18.org/archive.php?article_id=2376).

Judge Aygun Abdullayeva of Baku's Administrative Economic Court No. 1 is due to resume hearing Miri's suit against the State Committee decision in the afternoon of 18 September, according to court records.

The case began in court on 4 April, with further hearings on 1, 10 and 15 May. At the 15 May hearing, Judge Abdullayeva ordered a religious studies "expert analysis" of Miri's book. This was assigned to Islamic scholar Anar Qafarov of Baku's Theology Institute. President Ilham Aliyev decreed the founding of the Institute on 9 February, subordinating it to the State Committee.

Qafarov completed his 15-page analysis – partially seen by Forum 18 - on 9 August. In his conclusions, Qafarov states that Miri's book does not incite religious hatred or enmity, or conflict between religions and denominations. However, it claims that some parts of the book could have a negative influence on the religious situation in the country.

Qafarov maintains that the book could be published if Miri changes its title and some of the chapter headings, and gives more sources.

Miri's lawyer Elmar Suleymanov broadly welcomed the "generally positive assessment" of his client's book by the State Committee-appointed expert. He particularly welcomed the conclusion that Miri's book does not incite religious hatred or enmity, or conflict between religions and denominations.

Suleymanov told Forum 18 that in earlier hearings, he had presented issues of magazines from 2016 which had published extracts from the book. "Presenting these magazines in court, we drew the judge's attention to the fact that, despite the passage of more than two years since these publications, what had been published in these magazines caused no harmful effect on society in any way."

Suleymanov added that despite his repeated requests, the State Committee had been unable to cite any instance of harm to society or even to one individual.

"I believe the position of the respondent [State Committee] has remained unchanged and is as shaky now as it was at the beginning the case," Suleymanov told Forum 18. "We

will continue to persevere in defence of the truth in the hope that the court will reach a fair outcome."

Miri's publisher handed the text of his book on Islam to the State Committee in January, as required by law. On 2 February, the State Committee banned it in a one-page document signed by Chief Specialist Namiq Jiriyev. He questioned Miri's interpretation of Islam on theological grounds, and concluded: "The investigation found ideas in the book that could have a negative influence on religious stability in the country. The book is, therefore, deemed unsuitable for publication."

In his response, Miri told the State Committee officials "it is not correct to ban a book I wrote in a country which does not [officially] have censorship". Jiriyev refused to discuss his ban on Miri's book with Forum 18 in February.

Miri's book has already been published in Azeri in Kyrgyzstan and Turkey, as well as in Turkish in Turkey.

Conscientious objector's criminal conviction – more to follow?

By Felix Corley

Forum18 (29.08.2018) - http://www.forum18.org/archive.php?article_id=2408 - 18-year-old Jehovah's Witness Emil Mehdiyev repeatedly expressed willingness to perform a civilian alternative to compulsory military service. Instead he was given a criminal conviction, a one-year suspended prison term, and will be under probation for one year. Seven similar criminal cases against other young men are with Prosecutor's Offices.

Emil Mehdiyev, an 18-year-old Jehovah's Witness, has appealed to Ganca Appeal Court against his criminal conviction for refusing compulsory military service on grounds of conscience. The Court received the appeal on 27 August and is yet to set a date for the hearing.

The lower court sentenced Mehdiyev to a one-year suspended prison sentence. During the year, he will be under the control of the probation service and will not be allowed to change his place of residence or travel abroad without permission. He will also have a criminal record.

Jehovah's Witnesses say Prosecutor Rahman Ibrahimov called in court for Mehdiyev to be jailed for one year, though he denied this to Forum 18.

Although Barda District Court convicted Mehdiyev on 6 July, the Judge refused – with no explanation - to issue the verdict in writing until August.

Seven similar criminal cases against other Jehovah's Witness young men for refusing military service have already been handed to Prosecutor's Offices, Jehovah's Witnesses told Forum 18. At least a further six Jehovah's Witness young men have been summoned to military service, with examinations by medical commissions.

The government's Human Rights Ombudsperson's Office in Baku refused to discuss with Forum 18 what it has done (if anything) to end the punishment of conscientious

objectors like Mehdiyev and to push for the country to introduce a civilian alternative to compulsory military service.

Azerbaijan promised the Council of Europe on accession in 2001 that it would adopt a law on alternative service "in compliance with European standards" by January 2003. It has never adopted such a law.

Council of Europe and United Nations bodies have repeatedly condemned Azerbaijan's long failure to introduce a civilian alternative to compulsory military service and its continuing punishment of those unable to perform compulsory military service on grounds of conscience.

The new prosecutions come as the European Court of Human Rights in Strasbourg is expected to deliver decisions over five Jehovah's Witness conscientious objectors convicted in Azerbaijan between 2007 and 2013. Four of these were jailed. The Court completed its correspondence with the Azerbaijani government over the cases in 2017.

No action from Ombudsperson's Office

Forum 18 tried to find out what (if anything) the government's Human Rights Ombudsperson's Office has done to pressure the government to end the punishment of conscientious objectors such as Emil Mehdiyev and to introduce a civilian alternative to compulsory military service.

No one was available to talk, the Ombudsperson's Office told Forum 18 from Baku on 29 August, so Forum 18 had to send its questions in writing. No reply had been received by the end of the working day in Baku.

The only known case of a conscientious objector the Ombudsperson's Office has taken up was over a threatened prosecution in Baku in 2004. "Following the intervention of the Ombudsman the requirements of the legislation were explained to military policemen, the complainant was set free and his right to freedom was restored," its annual report for 2004 noted.

No subsequent Ombudsperson's Office annual report mentions any of the prosecutions of conscientious objectors, or any action to propose the introduction of an alternative civilian service.

The Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions downgraded Azerbaijan's Human Rights Ombudsperson's Office from A to B status, a decision that took effect from 8 August.

The Sub-Committee noted that the Ombudsperson's Office "has not adequately spoken out in a manner that effectively promotes protection for all human rights, including in response to credible allegations of human rights violations having been committed by government authorities. The failure to do so demonstrates a lack of sufficient independence."

Request for alternative service ignored

The Conscription Office called up Jehovah's Witness Emil Vilayat oglu Mehdiyev (born 12 December 1999) in December 2017, when he reached the age of 18. Although he lives in the capital Baku, he was called up by the Conscription Office in Barda, the town in north-western Azerbaijan where he is registered.

More than once, Mehdiyev told the Conscription Office of his willingness to perform a civilian alternative to military service in view of his faith, according to the subsequent court decision.

On 5 January 2018, the Conscription Office told Mehdiyev he was to report for service in the Interior Ministry's Internal Troops. When he attended the Conscription Office Mehdiyev repeated his position that he was willing to perform alternative service but could not perform military service.

The Conscription Office handed Mehdiyev's case to Barda District Prosecutor's Office, which opened a case against him under Criminal Code Article 321.1. This states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

Prosecutors required Mehdiyev to sign a statement that he would not leave Azerbaijan.

One-year suspended sentence

Prosecutor Rahman Ibrahimov handed Mehdiyev's case for trial to Barda District Court. There it was assigned to Judge Maharram Allahverdiyev.

Mehdiyev's trial began on 7 May, but was then adjourned until 23 May. At that hearing his lawyer, Yashar Musayev, submitted a motion to terminate the case, but the Judge rejected this.

Three witnesses were called to the third hearing on 31 May, two from the Conscription Office and one from the hospital. However, one of the Conscription Office witnesses was not present, since he was on vacation. The other two witnesses testified and Musayev and the Prosecutor asked them a few questions.

Then the judge gave Mehdiyev an opportunity to talk. "But it could hardly be called an opportunity, since the judge interrupted him repeatedly, saying that what Emil was reading from the Bible regarding his beliefs was not important," Jehovah's Witnesses told Forum 18. "Nevertheless, this time Judge Allahverdiyev was more respectful compared to the previous hearings."

The third court hearing on 22 June began with the questioning of the third witness, Emin Aghayev, an employee of the Conscription Office. Prosecutor Ibrahimov gave his final address, asking the Court to sentence Mehdiyev to one year's imprisonment.

Two police officers then appeared near the door of the courtroom. One of them had handcuffs in his hand. They stood outside the courtroom, so that Mehdiyev and his lawyer could not see them. "When the judge's secretary saw them, he signalled them to wait," Jehovah's Witnesses told Forum 18. "It was obvious the police officers were called to handcuff and take Mehdiyev away."

Jehovah's Witnesses described this as a "gross violation of the law". They argued that the court should not display its decision before it is announced, "especially when Mehdiyev and his lawyer had not given their final addresses". At that point they believed it was certain Mehdiyev would be imprisoned, regardless of what he and his lawyer would say in their final addresses to the court.

Mehdiyev's lawyer Musayev filed a new motion to terminate the case and asked the court to adjourn the hearing, so that he could prepare for the final address. Judge Allahverdiyev adjourned the hearing to 6 July.

At the final hearing on 6 July, Mehdiyev's lawyer Musayev spoke, before Mehdiyev made his final address. Then the judge left the courtroom to deliberate. "Unlike the previous hearing, there were no guards with handcuffs in the court room or behind the doors," Jehovah's Witnesses told Forum 18.

Judge Allahverdiyev returned after ten minutes. He announced that Mehdiyev was guilty and sentenced him to a suspended one-year prison term. The judge did not list all the conditions of the probationary period. Mehdiyev had to wait to find these out until he received the verdict in writing in August.

The verdict – of which Forum 18 has seen the text – notes that the Probation Service will oversee Mehdiyev for the year and he cannot change his place of residence without approval. The verdict adds that the ban on travelling abroad will be lifted when the verdict enters into legal force, though it appears he still will not be able to travel abroad without permission.

Prosecutor Ibrahimov denied that he had called in court for Mehdiyev to be jailed for one year. "Look at what the court decided," he told Forum 18 from Barda on 29 August. He refused to discuss why Mehdiyev had faced prosecution at all, given his willingness to perform any alternative civilian service. Ibrahimov then put the phone down.

Barda District Court told Forum 18 on 28 August that both Judge Allahverdiyev and his assistant Hatam Hatamkhali were away on holiday. The official said he did not know when the Judge issued the written verdict and would not discuss why it was delayed.

Mehdiyev lodged an appeal against his conviction. The appeal reached Ganca Appeal Court on 27 August, the Court told Forum 18 the following day. It said the case is yet to be assigned to a judge.

Defiance of international human rights obligations

Azerbaijan repeatedly breaks its international human rights obligations. Ahead of its accession in January 2001 to the Council of Europe, the country formally promised "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative civilian service".

The Council of Europe's Venice Commission – of which Azerbaijan is a member - has repeatedly criticised the country's failure to meet its commitment to introduce a genuine civilian alternative to compulsory military service.

Similarly, the Council of Europe's European Commission against Racism and Intolerance (ECRI) in March 2016 again condemned Azerbaijan's violations of freedom of religion or belief, and other human rights, and noted the continuing sentencing of conscientious objectors. "ECRI strongly recommends that the authorities fulfil the undertaking given upon accession to the Council of Europe to enact legislation on alternatives to military service".

The government claimed in its response to ECRI that "due to the war with Armenia, Azerbaijan has not been able to enact a separate law on alternative service".

In 2018, ECRI began its follow-up procedure on two concerns in Azerbaijan, including the country's failure to introduce an alternative, civilian service.

In November 2016 Concluding Observations on Azerbaijan's report to the United Nations (UN) Human Rights Committee (CCPR/C/AZE/CO/4), the Committee again expressed concern about the lack of a civilian alternative to military service.

The Committee stated that Azerbaijan "should adopt without delay the legislation necessary to give effect in practice to the constitutionally recognized right to conscientious objection to military service, without limitation on the category of conscientiously held beliefs. Moreover, it should provide for alternative service of a civilian nature for conscientious objectors and repeal all sanctions against them."

However, Azerbaijan has still not halted its prosecution of conscientious objectors, or introduced a civilian alternative service for those who cannot perform compulsory service in the armed forces on conscientious grounds.

Awaiting Strasbourg decisions

Five Jehovah's Witnesses punished through the courts between 2007 and 2013 for refusing compulsory military service are awaiting decisions in their appeals to the European Court of Human Rights (ECtHR) in Strasbourg. Azerbaijan is subject to the ECtHR's decisions as a member of the Council of Europe.

All five – four of whom were jailed - were among Jehovah's Witness young men to have been convicted under Criminal Code Article 321.1 ("Evasion without lawful grounds of call-up to military service or of mobilisation") since Azerbaijan joined the Council of Europe in 2001.

Kamran Mirzayev was jailed for nine months by Goychay Court in March 2013, but was amnestied in June 2013 after serving three months' imprisonment. The Supreme Court rejected his final appeal in February 2015.

Kamran Mirzayev lodged a case to the ECtHR on 21 August 2015 (Application No. 41792/15). The ECtHR completed its communications on the case on 13 August 2017.

Samir Huseynov was jailed for ten months by Geranboy District Court in October 2007 and was freed in May 2008 after serving most of his sentence.

Mushfiq Mammadov was given a suspended six month prison term by Baku's Sabail District Court in July 2006. He was tried on the same charges again in October 2009, by which time he was aged 26. At the end of his second trial, taking account of the two months he had spent in pre-trial detention, the judge handed down a fine of 250 Manats. The Supreme Court rejected his final appeal in December 2010.

Mushfiq Mammadov and Huseynov lodged a case to the ECtHR on 7 March 2008 (Application No. 14604/08) The ECtHR completed its communications on the case on 9 June 2017.

Farid Mammadov was jailed for nine months by Baku's Nasimi District Court in July 2010, but was not imprisoned until September 2010 when his first appeal failed. The Supreme Court rejected his final appeal in January 2011.

Farid Mammadov lodged a case to the ECtHR on 18 July 2011 (Application No. 45823/11). The ECtHR completed its communications on the case on 27 May 2017.

Fakhraddin Mirzayev was jailed for one year by Gyanja's Kapaz District Court in September 2012, but was amnestied in May 2013 after eight months' imprisonment. The Supreme Court rejected his final appeal in June 2013.

Fakhraddin Mirzayev lodged a case to the ECtHR on 3 December 2013 (Application No. 76127/13). The ECtHR completed its communications on the case on 27 May 2017.

The Court is likely to rule that the five men's human rights were violated, in line with other recent decisions in conscientious objector cases.

In a case against neighbouring Armenia, the ECtHR ruled in July 2011 (Application no. 23459/03) that the state's refusal to offer Vahan Bayatyan an alternative to compulsory military service and punishment of him for refusing to serve in the armed forces violated his rights under Article 9 ("Freedom of thought, conscience and religion") of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Azerbaijan's Mountain Jews museum is part of a dying community's rescue plan

By Cnaan Liphshiz

JTA (20.08.2018) - <https://bit.ly/2PaGvCJ> - For one day each summer, the hills overlooking this centuries-old Jewish town echo with the sound of wailing women.

The women ascend up a narrow path from this town of several hundred residents in northern Azerbaijan to its vast cemetery. It's an annual procession on Tisha b'Av, the Jewish day of mourning for the destruction of the Temple in Jerusalem.

At the cemetery, each woman sits next to a loved one's grave – usually a husband or child, but sometimes a parent or sibling. She sings mournfully for hours in Juhuri, a dying Jewish language made up of Farsi and Hebrew with Aramaic and Turkic influences that is spoken only by the Mountain Jews of the Caucasus.

Hundreds perform the ritual each year; some travel halfway across the world to attend. It is a testament to how Krasnaiya Sloboda's Mountain Jews have endured for about a millennium since Persian Jews established the town with the blessing of a local Muslim ruler.

Next year, the community hopes to strengthen its sense of identity even further with the opening in town of a multimillion-dollar Mountain Jews museum. Spearheaded by a wealthy expatriate living in Moscow, the museum will feature artifacts collected from throughout the Caucasus, including ritual objects, documents and other evidence of the Jewish life that thrived here for centuries on the border between Europe and Asia.

But amid growing emigration by Jews from the rural and impoverished area, some locals and experts on the community fear for its long-term viability and that of its language – and that the museum will be less a living tribute than a memorial.

"The demographic trajectory isn't promising," said Chen Bram, an anthropologist from Hebrew University and Hadassah Academic College who has researched Mountain Jews for decades. "I hope this new museum doesn't eventually become a monument for an extinct community" in Krasnaiya Sloboda.

Estimates as to how many Jews are living in Krasnaiya Sloboda range from 500 to 1,200. Thousands have left for Moscow, Israel, Germany and the United States. An exact figure is difficult to ascertain because many people who are registered as residents – meaning they own assets here – live outside the town.

"There are virtually no sources of employment, it's a graying community and its long-term viability is uncertain," Bram said.

He says the Tisha b'Av tradition gives the community "a lot of strength," but it's not enough to counterbalance the effects of a major depletion in the ranks of the community that had 8,000 members 30 years ago.

"Visit after Tisha b'Av and the High Holy Days," Bram said, "and sadly you'll see a ghost town."

That hardly seems the case in the days around Tisha b'Av. In the town's four Jewish-owned cafes, dozens of Jewish men play backgammon while sipping strong black tea from small glass cups, filtering the hot liquid through a sugar cube clenched between their front teeth.

On Tisha b'Av itself, which this year fell on July 22, the main Seven Dome Synagogue, which is located around the corner from the new museum, is packed with male worshippers.

They had gathered at the square in front of the 19th-century wooden shul and chatted while waiting for the caretaker to open the building. Then they removed their shoes and stepped barefoot into the carpeted interior — a custom that resembles the behavior of Muslims at a mosque. Many believe it comes as a result of centuries of coexistence in Azerbaijan, a majority Shiite country.

Another similarity is the absence of women. As with many mosques across the Muslim world, women are welcome in synagogue here only on special occasions, according to the community's rabbi, Tsadok Ashurov. His Orthodox synagogue doesn't even have a women's section.

At around noon on Tisha b'Av, the men leave the synagogue, reunite with female relatives and ascend the mountain to the cemetery, where the women assume the central role.

As they wail, the men stand silently in the scorching sun at a respectful distance. Some women thump their chests repeatedly while weeping in a trance-like lament called "girye" in Juhuri over the graves of relatives who died decades ago.

Among the hundreds of visitors are mourners who traveled from their homes in Russia, Israel and the United States to visit their relatives' graves.

"You probably haven't seen anything like this before," David Mordechayev, an executive and journalist for STMEGI, the Moscow-based foundation of Mountain Jews, told JTA on the road leading to the cemetery. A sinuous narrow route, it gets so crowded with visitors on the Jewish holy day that a long traffic jam develops there.

To Mordechayev and other activists working to develop Krasnaiya Sloboda's Jewish heritage, it underscores how Mountain Jews from across the world care passionately about the roots of their distinct group. The community is so old and remote that it predates the Jewish people's division into Sephardic and Ashkenazi. Mountain Jews have their own language, distinct customs and unique style of reading from the Torah.

This awareness is also behind the construction of the new museum by German Zacharayev, a village native and now one of Russia's wealthiest individuals. A three-story former synagogue, the museum scheduled to open next year will be the world's first building devoted to the preservation of Mountain Jews and their culture.

Preserving the heritage has been a longstanding objective for Zacharayev, who founded STMEGI. He has donated millions of dollars toward opening a yeshiva and mikvah, or ritual bath, respectively, in Krasnaiya Sloboda.

He and other expatriates also funnel what in local terms is a fortune toward maintaining urban infrastructure for the community, where most members are low-income pensioners. Krasnaiya Sloboda has paved roads and a storm-proof electric grid that make for a striking juxtaposition with Quba, the ramshackle Muslim-majority town that lies opposite Krasnaiya Sloboda across the polluted Gudiyalchay River.

Yet despite this help and influx of visitors on Tisha b'Av, Krasnaiya Sloboda's future is far from certain, according to Bram, the anthropologist.

Take Hanko Nurayev, 72. He returns each year on Tisha b'Av to the house he inherited here from his grandfather, but lives with his family in New York.

"I want to trade this old house for an apartment in New York or Tel Aviv," he said. "Do you know anyone interested in such a deal?"

Mordechayev is well aware of the depletion and hopes the new museum will draw Israeli and other tourists from Baku, the Azeri capital located about 100 miles away. Tourism from Israel has increased dramatically in Azerbaijan, which has five weekly flights from Israel.

"When we put this place on the touristic map, dozens of tourists will come here every day," Mordechayev said. "That's opportunities for guesthouses, hotels, taxi drivers, guides. It'll provide jobs to community members."

Without employment there is little hope of Krasnaiya Sloboda remaining a Jewish town, said Ashurov, a Mountain Jew from Russia who STMEGI hired in 2016 to serve as the town's rabbi.

Ashurov runs a yeshiva where he teaches Jewish studies to young boys and girls, "but also extra math and English classes to give them what they need in the world, so they can find employment, be it in Russia or Israel or here," he said. "That's the main concern and the main reason the young are leaving this place."

The town has a shochet, a Jew trained in the kosher slaughter of animals. But many residents shop at local butcher shops, considering halal meat sufficient for their needs. Local Jews are not a very observant bunch, with many of them stepping out of synagogue to make a phone call on Shabbat in violation of traditional customs for the day of rest.

Ashurov replaced Elazar Nisimov, 35, a shochet and yeshiva graduate who served as the town's rabbi for several years following the retirement of his predecessor. Like thousands of other Mountain Jews, Nisimov now lives in Moscow.

Mordechayev is collecting exhibits for the museum from around the Caucasus. One of them is a 19th-century prayer shawl whose corners feature thick red patches, a modification that allowed it to be used as a huppah, a Jewish wedding canopy.

The museum will also feature a 19th-century horse-drawn carriage and dozens of documents, including ketubot, Jewish wedding contracts.

The collection's undisputed jewel is the so-called Slashed Book – a disfigured copy of the Bible. According to legend, a Krasnaiya Sloboda rabbi used the book to shield himself from the sword of a Muslim general when the general's army took over northern Azerbaijan several centuries ago.

"The general was horrified at what he'd done and feared divine retribution, so he let the Jews stay unharmed to atone for his actions," Mordechayev said, recounting the legend.

The legend around the book goes to the heart of the tradition of mutual respect between Muslims and Jews here. Anti-Semitic incidents are unheard of and men wearing kippot or other Jewish attire attract little to no attention on the street.

Like many of the artifacts that Mordechayev is after, the book was sold to antique dealers at a vastly lower price than its market value. Rabbi Avraham Yisrael Freilich from Israel, who ran Judaica Jerusalem, in the early 2000s sold it to a Mountain Jew who lives in Russia for \$250,000, according to Mordechayev. The buyer agreed to have the book displayed at the museum's opening; a replica will remain there permanently.

Mordechayev is also collecting Juhuri dictionaries. The new museum aims to build the world's largest Juhuri library to facilitate research that may allow for the preservation of the language, which is spoken by about 100,000 people worldwide.

There's a catch, though.

"Juhuri never had an agreed-upon alphabet," Mordechayev said. Some write it with Cyrillic letters, others use Azeri ones and still others transcribe it in Hebrew letters.

"We hope that concentrating all these books here will facilitate research, digitization and maybe standardization," he said.

Krasnaiya Sloboda has "an enormous potential for tourism, including educational tourism, not only from Israel," Bram said. "It's the world's last traditional Jewish settlement in a rural area, a kind of last shtetl."

He said the community's uniqueness can appeal to all denominations of Judaism.

"It can become an important educational center and a must-go destination for world Jewry," Bram said.

There are preliminary signs that this is already happening. On Tisha b'Av this year, several dozen yeshiva students from Moscow traveled to Krasnaiya Sloboda – the first such visit by a yeshiva in the town's history.

The visit resonated powerfully with 20-year-old Yisrael Lazar, the son of Russian Chief Rabbi Berel Lazar, who joined the yeshiva students as their counselor.

"For someone like me, who grew up reading about the shtetls and Jewish towns that existed before the Holocaust, this place is simply unbelievable," he told JTA. "It's like traveling 100 years back in time."

Theologian challenges state's book ban

By Felix Corley, Forum 18

Forum 18 (14.05.2018) - <https://bit.ly/2s3MD66> - Muslim theologian Elshad Miri is challenging in court the State Committee for Work with Religious Organisations decision to ban one of his books on theological grounds. The Committee operates the prior compulsory censorship of all religious materials. A court fined another bookshop owner for selling religious literature without permission.

Muslim theologian Elshad Miri is challenging the ban on one of his books on Islam imposed by the State Committee for Work with Religious Organisations because an official disagreed with it theologically. A court in the capital Baku is due to continue hearing Miri's suit tomorrow afternoon (15 May).

Soon after the February ban on Miri's book, the State Committee told a local news agency that it was considering ways to ban religious books that had received permission for publication or import in the 1990s. It said that while such retrospective bans are "difficult", it had persuaded several publishers not to reprint such religious books (see below).

A State Committee official confirmed to Forum 18 that it makes public no lists of religious publications it has banned. The official refused to discuss any other aspect of the state's prior compulsory censorship of all religious materials (see below).

Following raids on shops selling religious literature in the southern town of Masalli in March, one shop owner was fined the equivalent of four months' average wages for those in formal work. A bookseller in Baku failed to overturn a similar fine (see below).

However, a shop owner in the northern city of Sheki overturned his fine for selling religious books without the required state permission as the case against him had been prepared by the police. Only State Committee officials are allowed to bring such cases. It remains unknown if he will face a further attempt to punish him (see below).

Complete religious literature censorship

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 (each costing 0.02 Manats) 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).

"One of the main directions of our activity is to prevent the spread of unauthorised religious literature," a Deputy Chair of the State Committee, Siyavush Heydarov, told the local Trend news agency on 27 January 2017.

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" (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955).

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. People who sell religious literature and materials without such permission are routinely fined, with the materials being seized (see F18News 10 May 2017 http://www.forum18.org/archive.php?article_id=2278).

In 2017 the European Court of Human Rights in Strasbourg asked the Azerbaijani government to respond in several Jehovah's Witness cases where the State Committee banned the import of their publications or police and the courts detained and punished individuals for distributing religious literature "illegally" (see F18News 13 February 2018 http://www.forum18.org/archive.php?article_id=2351).

In January and February 2018, the State Committee sold 45,540 stickers to be placed on 34 religious titles (books, magazines or electronic materials), "Expertise" Department head Nahid Mammadov told the State Committee board on 27 February, according to its website.

In 2017, the State Committee sold 765,151 stickers for 601 titles, deriving income from sticker sales that year of 15,303.02 Manats (72,000 Norwegian Kroner, 7,500 Euros or 9,000 US Dollars).

In 2017, out of 1,540 titles submitted for the State Committee censorship, 63 were considered unsuitable for import and distribution, Mammadov added. In 2017, out of 210 titles submitted to the State Committee for permission to publish in country, 4 were considered unsuitable and 206 were given permission to be published.

In 2017, legal and police organs sent 2,106 titles to the State Committee for assessment, Mammadov said. Of these, 99 were pronounced harmful or not given permission for import or manufacture.

Jehovah's Witnesses told Forum 18 on 14 May that the State Committee has not banned the import of any of their publications since November 2015.

No published "banned" list

The official who answered the phone of the State Committee's "Expertise" (Censorship) Department – who would not give his name – confirmed that the State Committee has not published any list of religious books or materials it has banned. "We don't have such a list," he claimed to Forum 18 on 14 May.

However, the official refused to discuss anything else about the state's religious censorship. "Our Department head Nahid Mammadov and his deputy are out of the office," he told Forum 18. "We're not authorised to answer questions."

Theologian's challenge to state's book ban

Baku-based Islamic theologian Elshad Miri lodged a suit to court, challenging the State Committee's ban on his book "Things Not Existing in Islam". The book covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

Judge Aygun Abdullayeva of Baku's Administrative Economic Court No. 1 began hearing Miri's suit against the State Committee decision on 4 April, according to court records. After further hearings on 1 and 10 May, the case is due to resume on the afternoon of 15 May.

Miri's publisher handed the text of his book on Islam to the State Committee in January, as required by law. On 2 February, the State Committee banned it in a one-page document signed by Chief Specialist Namiq Jiriyev. He questioned Miri's interpretation of Islam on theological grounds, and concluded: "The investigation found ideas in the book that could have a negative influence on religious stability in the country. The book is, therefore, deemed unsuitable for publication."

In his response, Miri told the State Committee officials "it is not correct to ban a book I wrote in a country which does not [officially] have censorship". Jiriyev refused to discuss his ban on Miri's book with Forum 18 in February (see F18News 13 February 2018 http://www.forum18.org/archive.php?article_id=2351).

Persuasion a means of retrospective banning?

The State Committee admitted that it has talked to publishers to stop them republishing religious books that had originally received state permission for publication or import in the 1990s. "After discussions with publishers of these books, the process of renewed publication of several of them was not carried out," it declared in a statement to the local Report.az news agency, published on 21 February.

"Over the past 10 years, the State Committee for Work with Religious Organisations has not given permission for publication of new books," Report.az quoted the State Committee statement.

"Simply, the agency has not objected to the republication of books published earlier, and books whose import from abroad had been permitted. This is because from a legal point of view, it is very difficult to ban books which were published in their time after receiving a positive analysis."

Masalli: Bookshops raided, owner fined

On 14 March, officials of the Masalli Department of the State Committee for Work with Religious Organisations raided several shops selling religious literature, goods and products, the State Committee noted on its website the following day. It claimed the monitoring was to determine whether shops were abiding by legal provisions requiring all religious materials on sale to have undergone religious censorship and to have the State Committee sticker.

Officials seized 29 items from a shop owned by Panah Azizli in the Old Market district of the southern town of Masalli. They drew up a record of an offence against Azizli under Administrative Code Article 516.0.2.

This 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.

A fine of 2,000 Manats (9,400 Norwegian Kroner, 980 Euros or 1,200 US Dollars) represents nearly four 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.

Judge Anar Almammadov of Masalli District Court found Azizli guilty on 30 March and fined him 2,000 Manats, court officials told Forum 18 on 10 May. They added that Azizli did not appeal against the fine.

The official who answered the phone at the regional department of the State Committee in Masalli on 10 May refused to discuss anything with Forum 18.

Baku: Bookseller's appeal rejected

Ruhiyya Mehdiyeva, owner of the Ansar shop in Baku's Sabunchu District, has failed to overturn a large fine for offering for sale 400 religious books which had not undergone state censorship.

State Committee officials and police officers raided the Ansar shop on 17 January. State Committee officials then prepared a case against Mehdiyeva under Administrative Code Article 516.0.2. On 1 February, Sabunchu District Court found Mehdiyeva guilty and fined her the minimum of 2,000 Manats (see F18News 13 February 2018 http://www.forum18.org/archive.php?article_id=2351).

Mehdiyeva appealed against the punishment. However, on 4 April, Judge Mirpasha Huseynov of Baku Appeal Court dismissed her appeal, according to court records.

Sheki: Bookseller's case sent back

On 2 August 2017, officials raided the Rahla bookshop in Sheki owned by Baylar Mardanov. They seized 64 religious books which they said he was offering for sale without the required state permission and took them to the police station.

On 23 October 2017, Police Captain Parviz Ahmadov prepared a record of an offence against Mardanov under Administrative Code Article 516.0.2. However, police officers are not allowed to prepare such records – this can only be done by a State Committee official.

Despite this, on 27 November 2017, Judge Elchin Mehdiyev at Sheki District Court found Mardanov guilty and fined him 2,000 Manats.

Mardanov appealed against the punishment, arguing that the police had not prepared the record of an offence correctly. On 15 December 2017, a panel of judges chaired by Imanverdi Shukurov at Sheki Regional Court upheld Mardanov's appeal. The Court sent the case back to the lower court to be reconsidered, according to the decision seen by Forum 18.

On 10 January 2018, the same Judge Mehdiyev at Sheki District Court ruled that the case should be sent to the "appropriate body". Forum 18 cannot find that Mardanov's case has been returned to court.

State's theological review bans book on Islam

By Felix Corley, Forum 18

Forum18 (13.02.2018) - http://forum18.org/archive.php?article_id=2351 - The State Committee for Work With Religious Organisations has banned a so-far unpublished book on Islam by prominent Muslim theologian Elshad Miri. The State Committee conclusion that Miri's book is "deemed unsuitable for publication" and could therefore "have a negative influence on religious stability" is based entirely on theological objections to his interpretation of his faith, Forum 18 notes.

Miri complained to Forum 18 that the ban on his book was based on "subjective considerations". He also condemned the system of state censorship of religious literature. "I think that in a world where media exist on the internet, it is not right to forbid anyone to think freely," he told Forum 18. The official who wrote the review refused to speak to Forum 18 (see below).

Following a police and State Committee raid on her shop in the capital Baku, yet another bookseller has been fined for selling religious books without state permission. Ruhiyya Mehdiyeva was fined about four months' average wage on 1 February (see below).

Religious censorship appears to take a lot of State Committee attention. "One of the main directions of our activity is to prevent the spread of unauthorised religious literature," a Deputy Chair of the State Committee, Siyavush Heydarov, told the local Trend news agency in January 2017 (see below).

In 2017 the European Court of Human Rights in Strasbourg asked the Azerbaijani government to respond in several Jehovah's Witness cases where the State Committee banned the import of their publications or police and the courts detained and punished individuals for distributing religious literature "illegally" (see below).

Complete religious literature censorship

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).

"One of the main directions of our activity is to prevent the spread of unauthorised religious literature," a Deputy Chair of the State Committee, Siyavush Heydarov, told the local Trend news agency on 27 January 2017.

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" (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955).

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. People who sell religious literature and materials without such permission are routinely fined (see F18News 10 May 2017 http://www.forum18.org/archive.php?article_id=2278).

Another banned religious book

The prominent Baku-based Muslim theologian and journalist Elshad Miri handed over the text of his book "Things Not Existing in Islam" to a publisher on 15 January, he told Forum 18 from Baku on 12 February. The book covers seven of what he regards as myths about what Islam teaches. Chapters include "There is no magic in Islam" and "There is no child marriage in Islam".

In line with the state's censorship requirements, the publisher then handed the text of Miri's book to the State Committee for approval.

"No [religious] book can be published without the State Committee's approval," Miri lamented to Forum 18. "No printing house can print any religious book without this permission."

"Expert analysis" is theological analysis

On 2 February, the State Committee banned Miri's book on Islam in a one-page document signed by Chief Specialist Namiq Jiriyev (and seen by Forum 18). Jiriyev, who studied Islam in universities in Izmir and Baku between 1998 and 2003, has worked for the State Committee since 2008.

"The author's superficial approach to the questions, his failure to refer to classical sources on the issues, his showing as sources ayahs [verses of the Koran] or hadiths [sayings attributed to the Muslim prophet Muhammad] that in most cases are irrelevant are evidence that he does not know the views of scholars on these issues," Jiriyev claimed in his analysis.

"One of the most problematic aspects of the book is that it casts doubt on the innocence of the prophets, something that is accepted by all religious scholars," Jiriyev added. "The author makes persistent reference to the outward meaning of some ayahs and says that the prophets, especially the prophet Muhammad, sinned and made mistakes."

Jiriyev also questions Miri's "personal approach" in saying that descendants of Muhammad through his daughter Fatima cannot be considered sayyids. Jiriyev also objects that Miri rejects giving sayyids a privileged position in society. "The latter sections of the book reject the approaches taken by many religious scholars."

Jiriyev's conclusion is brief. "The investigation found ideas in the book that could have a negative influence on religious stability in the country. The book is, therefore, deemed unsuitable for publication."

Jiriyev refused to discuss his ban on Miri's book. As soon as Forum 18 had introduced itself on 13 February he put the phone down. Subsequent calls went unanswered.

Miri told Forum 18 he had learnt about the ban only on the evening of 5 February after he returned from the Far East. He went to the State Committee the following day, where he met the head of the "Expert Analysis" (Censorship) Department, Nahid Mammadov, and one of the State Committee Deputy Chairs.

On 8 February Miri posted a 48-minute video on YouTube, detailing his objections to the State Committee ban on his book (<http://www.youtube.com/watch?v=M8TSAz2uqSY&t=176s>).

"It is not right to forbid anyone to think freely"

Miri objected to both the specific ban on his book, as well as to the system of state censorship of religious literature, he told Forum 18.

"I objected to the ban on the book due to an expert's negative commentary on subjective considerations," Miri told Forum 18. He added that in his 6 February meetings with State Committee officials, he mentioned "the absurdity of an ordinary theologian's review of the work of a person who spent a number of years studying this discipline". He also complained to them that Jiriyev, who signed the State Committee review, admitted that he had not read the whole book.

Moreover, Miri told the State Committee officials "it is not correct to ban a book I wrote in a country which does not [officially] have censorship".

And Miri believes state censorship is wrong. "I think that in a world where media exist on the internet, it is not right to forbid anyone to think freely," he told Forum 18.

Miri said he has not posted the text of his book on the internet, as he could then be accused of distributing a banned book.

Punishments

Prosecutors can bring cases against those who violate the state censorship of all religious literature 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

Bookseller raided, fined

On 17 January, police officers (including from the 13th Police Station) and State Committee officials raided the Ansar shop in Baku's Sabunchu District, the Interior Ministry noted on its website the same day. They searched the shop and seized 400 religious books which had not undergone state censorship by the State Committee. State Committee officials prepared a record of an offence against the shop owner, Ruhiyya Mehdiyeva, under Administrative Code Article 516.0.2.

The head of Sabunchu Police's 13th Police Station was out of the office when Forum 18 called on 12 February, the duty officer said. He claimed not to know about the raid on the Ansar shop. "I don't know who here was involved – it wasn't me," he said.

The official who answered the phone of the Baku representative of the State Committee Anar Kazimov told Forum 18 on 13 February that Kazimov was out of the office. Asked why State Committee officials had taken part in the raid on the Ansar shop and prepared the case for court, the official repeatedly said "I don't know" and put the phone down.

On 1 February, Judge Ziya Shirinov of Sabunchu District Court found Mehdiyeva guilty of violating Administrative Code Article 516.0.2, the Court chancellery told Forum 18 on 12 February. The Judge fined her the minimum of 2,000 Manats. This is equivalent to about four months' average wages for those in formal work. The Court said Mehdiyeva has not appealed against her punishment.

Jehovah's Witnesses challenge censorship internationally

After the State Committee banned a number of Jehovah's Witness publications from being imported into the country, the community tried to challenge these denials through the local courts. Such challenges failed.

Jehovah's Witnesses have lodged four challenges to the European Court of Human Rights (ECtHR) in Strasbourg over Azerbaijan's state religious censorship, as well as another to the United Nations Human Rights Committee.

On 31 October 2017, the ECtHR asked Azerbaijan to respond to claims in the case of Arif Tagiyev and Others, including Baku's Jehovah's Witness community (Application No. 66477/12) that their rights had been violated by seven State Committee decisions between October 2010 and May 2011. These decisions had restricted the numbers of copies Jehovah's Witnesses could import of some publications and completely banned others. Azerbaijan had until the end of January 2018 to submit its response.

Jehovah's Witnesses have also brought cases to the ECtHR over fines on individuals for offering religious literature to others while they share their faith with them.

On 18 May 2017, the ECtHR asked Azerbaijan to respond to claims in the case of Nina Gridneva (Application No. 29578/11) that her rights had been violated when, in 2010, police in Baku stopped her while offering religious literature on the street, seizing the literature, and a court subsequently fined her for "illegal" religious literature distribution (see F18News 10 December 2010 http://www.forum18.org/archive.php?article_id=1520). Azerbaijan had until mid-August 2017 to submit its response.

On 30 August 2017, the ECtHR asked Azerbaijan to respond to claims in the case of Famil Nasirov and six others (Application No. 58717/10) that their rights had been violated in three separate incidents in 2010 in Baku, Agstafa and Sumgait [Sumqayit]. In all three incidents, police stopped individuals as they were sharing their faith from door to door and seized religious literature. Courts initially fined the individuals for "illegally" distributing banned religious literature, although most of these fines were overturned on appeal.

Sufis raided, initial fine, Protestants raided

Sufi Muslim Rashad Abidov was fined in Sheki for hosting a religious meeting raided by police, but managed to overturn the fine on appeal. Police raided Star in the East Pentecostal Church in Gyanja during Sunday worship. Police phoned the schools of children present. Fines might follow.

By Felix Corley

Forum 18 (06.02.2018) - <http://bit.ly/2H9I8h1> - In December 2017, Sufi Muslim Rashad Abidov, whose home in the northern town of Sheki was raided by police during a religious meeting, managed to overturn the large fine handed down for holding a meeting without state permission. Police had brought the case rather than officials of the State Committee for Work with Religious Organisations.

On 28 January 2018, police raided a Sunday worship service of a Protestant church in Azerbaijan's second city Gyanja. Police phoned the schools of children present at the service. Fines might follow (see below).

On 31 January, Azerbaijan's Constitutional Court in the capital Baku wrote to Baptist pastor Hamid Shabanov in Aliabad in the northern Zakatala [Zaqatala] District to tell him it would not be considering his further appeal against a large fine for meeting for worship without state permission handed down in December 2016. Pastor Shabanov – a former prisoner of conscience - must now pay the fine of more than three months' average wages for those in formal work. Another Baptist from the same church, Mehman Agamammadov, has now paid all three instalments of his fine.

Their Baptist church in Aliabad has been seeking registration – in vain – since 1994. Police and state officials have warned church members not to meet. "If we meet again for worship, we'll get double the fine," Pastor Shabanov told Forum 18 officials had warned them (see below).

Strict controls

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).

Fines are typically 1,500 Manats (6,900 Norwegian Kroner, 715 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.

Officials from the police, State Security Service (SSS) secret police, State Committee for Work with Religious Organisations, and Religious Affairs Commissions attached to city or district administrations frequently raid meetings for worship and help punish those exercising their right to freedom of religion or belief.

Criminal prosecutions

These raids come as prisoner of conscience Imam Serdar Babayev is challenging his three-year prison term handed down in July 2017 to punish him for leading services in a Shia Muslim mosque after gaining his religious education abroad. His first appeal failed in September 2017. The Supreme Court in the capital Baku is due to begin hearing his latest appeal on the morning of 13 February.

Another prisoner of conscience, Shia Muslim Taleh Bagirov, is facing a further criminal case. His trial at Baku's Qaradag District Court began on 6 February on charges of illegally having memory cards with the Koran and Koranic-related material while in prison. The trial is due to resume on the morning of 13 February, his lawyer Javad Javadov told Forum 18 from Baku on 6 February (see forthcoming F18News article).

Bagirov, seized during an armed police assault on the village of Nardaran near Baku in November 2015, is already serving a 20-year jail term for leading the Muslim Unity Movement.

Sheki: Police raid Sufi meeting, fine eventually overturned

On 18 August 2017, Police in the northern town of Sheki raided the home of 44-year-old Rashad Abidov at the behest of Chief Criminal Investigator Major Ilham Mammadov. Investigator Lieutenant Ayaz Bayramov led the raid, where officers found Sufi Muslims

meeting without state permission. Officers seized 13 books by the Turkish Sufi leaders Imam Iskender Ali Mihr and Abdulcabbar Boran, as well as discs and three computers.

On 10 October 2017, Investigator Bayramov intended to open a criminal case against Abidov but this was rejected. On 23 October 2017, Captain Shamil Bazarov instead opened a case against him 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.

The case against Abidov was handed to Sheki District Court. On 14 November 2017, Judge Jahid Imanov found him guilty and fined him 1,500 Manats (6,900 Norwegian Kroner, 715 Euros or 890 US Dollars).

Abidov appealed against the fine to Sheki Appeal Court. On 15 December 2017 Judge Rafail Aliyev upheld Abidov's appeal, as the wrong officials had prepared the administrative case, according to the decision seen by Forum 18. A 3 May 2017 presidential decree said only State Committee officials could prepare cases for court under Administrative Code Article 515 (all parts) and Article 516.0.1. Police had prepared the case against Abidov.

Lieutenant Bayramov of Sheki Police refused to explain why officers had raided Abidov's home, seized religious literature and other items, tried to bring a criminal case and then brought an administrative case because he was hosting a meeting with others in his home about his faith. "No criminal case is underway," he told Forum 18 on 6 February 2018 via a colleague. The colleague then said he refused to answer any other questions and left the office.

Officers told Forum 18 the same day that Major Mammadov and Captain Bazarov were out of the office. The duty officer told Forum 18 that the raid on Abidov's home and the case against him "did not happen".

Taleh Abdullayev, the representative in Sheki of the State Committee, refused to answer any of Forum 18's questions about the August 2017 raid – including whether or not he or his colleagues had been present – about what had happened to the religious literature seized from Abidov and why he was originally fined. "Don't call here again," he told Forum 18 on 6 February before putting the phone down.

Gyanja: Police raid worship meeting

On 28 January, Police in Gyanja's Nizami District raided the Sunday meeting for worship of Star in the East Pentecostal Church, held in the home of 45-year-old church member Adalat Sariyev. About 100 people – 40 of them children – were present at the meeting when the police arrived, Report.az news website noted on 30 January.

"The invasion came during the service, and officers filmed everyone present with video-cameras and took their personal details, including of children," one church member told Forum 18 from Gyanja.

Police detained Sariyev and sent information about him to the State Committee for Work with Religious Organisations, Report.az noted.

Following the raid, schools attended by the children received calls from the police, church members told Forum 18.

The man who answered the phone of Nizami District Police chief – who would not give his name – refused to explain why officers raided a meeting for worship in a home. "Ask the

Interior Ministry," he told Forum 18 on 5 February. The officer then admitted that local police, not officers from the Ministry in Baku, had conducted the raid, but still refused to explain why it had been launched. "We work according to the laws of Azerbaijan," he insisted and then put the phone down.

An official of the Gyanja branch of the State Committee, who refused to give his name, told Forum 18 on 5 February that the head of the branch Asif Aliyev was away for the whole of the week. The official insisted the police had raided the church "to take a look only" and to "ask questions" of Sariyev.

Asked what church members had done wrong to merit a police raid during a religious meeting, the official responded: "They didn't do anything wrong. They simply have no registration." The official refused to explain why a religious community should be raided for meeting for worship without state registration. He claimed Sariyev would face no court case.

Like many Protestant churches (as well as non-Muslim Board mosques, and communities of other faiths), Star in the East Church in Gyanja does not have state registration.

Church members do not know whether Sariyev or others will face any court case. "Nothing is certain at the moment," church members told Forum 18. "From what officials say it is possible some further action will follow."

Aliabad: Constitutional Court refuses to consider appeal

On 31 January, Azerbaijan's Constitutional Court Baku wrote to 61-year-old Baptist pastor Hamid Shabanov in Aliabad to tell him it would not be considering his further appeal against a fine of 1,500 Manats for meeting for worship without state permission handed down in December 2016.

"The Constitutional Court wrote to say that I lodged the appeal too late," Pastor Shabanov told Forum 18 from Aliabad on 6 February. "I must now pay the fine. The law demands that I pay – they warned me that if I don't, they'll be further action."

Another Baptist from the same church, Mehman Agamammadov, has now paid all three instalments of his 1,500 Manat-fine at the insistence of the court bailiff. Despite being repeatedly refused the written decision and despite objecting to being fined for exercising his right to freedom of religion or belief he paid the first instalment of 500 Manats in early December 2017. "Mehman has now paid the other two instalments," Pastor Shabanov told Forum 18.

The fines followed a November 2016 raid by police and the local State Committee official on an "illegal" meeting for prayer in Pastor Shabanov's home. Police detained 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 State Committee in Baku for alleged "expert analysis". The literature was all returned the following month.

In a 15-minute hearing on 12 December 2016, Zakatala District Court found both Pastor Shabanov and Agamammadov guilty and fined them each the minimum fine, 1,500 Manats. Both Baptists were punished under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

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. Pastor Shabanov lodged his appeal to the Constitutional Court in October

2017 after Sheki Appeal Court refused in June 2017 to extend the period for him to lodge his appeal against the December 2016 fine.

The Aliabad Baptist Church has been seeking registration – in vain – since 1994. Former prisoner of conscience 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 fabricated. He was arrested a month after another Aliabad Pastor, Zaur Balaev, was freed after nearly a year in prison on false charges (see F18News 12 February 2009).

The Aliabad Church has been unable to meet together for worship since the November 2016 raid. In November 2017, the head of the State Committee Legal Department Sabina Allahverdiyeva wrote to the Church warning that it cannot meet for worship without state registration.

"If we meet again for worship, we'll get double the fine," Pastor Shabanov quoted officials as having told church members, he told Forum 18.

Azerbaijan wrestles with rising Iranian influence

By Zaur Shiriyev

EURASIANET (27.12.2017) - <http://www.eurasianet.org/node/86596> - Azerbaijan's government is growing increasingly concerned about what it sees as growing Iranian manipulation of the country's Shia Muslim believers.

Azerbaijan's security services recently presented senior government officials with a report describing how Iran has "increased its capabilities in Azerbaijan's regions," one analyst close to the government told Eurasianet.org. "Many more people are now under Iran's influence, and this has sounded alarm bells inside the government," the source said, speaking on condition of anonymity.

In 2013, Azerbaijan relaxed restrictions, in effect an informal ban, on religious figures linked to Iran on preaching in public. This tactical embrace of Shiism was aimed at stemming the flow of Azerbaijanis joining ISIS and fighting in Syria and Iraq, a trend that Baku believed was inspired by a rise in hardline Sunni tendencies.

But now it appears the policy is having unintended consequences, resulting in what authorities believe is increased control by Iran over Shia practice in Azerbaijan. According to official data, 22 of the 150 Shia madrassas in the country are "under the control of Iran," wrote Kenan Rovshanoglu in a recent report for the Azerbaijani news agency Turan.

Many secular Azerbaijanis have been alarmed by the increasing visibility of Shia practices in the country. During the Ashura celebrations in September in Baku, some children participated in the ritual, which involves self-flagellation. "When I saw children, who do not have a real understanding of religion, wearing hijab and attending Ashura ceremonies, I thought they are going to become kamikazes to be sent in the future to Syria," [said](#) MP Zahid Oruc.

In response, in early October, the State Committee for Family, Women and Children Affairs of Azerbaijan proposed legislation that would prohibit children from taking part in Ashura commemorations and similar religious rituals. The legislation has not yet been voted on.

Iran's Supreme Leader, Ayatollah Ali Khamenei, appeared to publicly criticize the proposed law during a November meeting with Azerbaijan President Ilham Aliyev in Tehran. "We should appreciate this great opportunity and the glorious mourning ceremonies of the Shiites in Azerbaijan, because they will strengthen the identity of Azerbaijan's nation and country," Khamenei [said](#).

Azerbaijan, however, has been wary of publicly calling out Tehran. The two countries have had uneasy relations since Azerbaijan gained independence in 1991, as Baku fears Iran's religious influence and Tehran is concerned about Azerbaijan's potential influence over the large ethnic Azeri population in northern Iran. Each also has close ties to the other's biggest enemy: Azerbaijan with Israel, and Iran with Armenia.

Since President Hassan Rouhani's coming to power in 2013, Iran has been forced to recalibrate its relations with Azerbaijan. Official bilateral contact has increased dramatically since then, with the two sides signing more than 20 cooperation agreements in the economic sphere.

In one project that would have been unimaginable before 2013, Azerbaijan has provided a loan to build a 100-mile stretch of a railroad in Iran, from the Azerbaijani border to the city of Rasht, part of the North-South Transport Corridor. Baku hopes that the initiative can derail plans to develop rail links between Iran and Armenia.

The government has not publicly claimed that Iran influenced the Ashura commemorations, but one official, Deputy Chairman of the State Committee for Work with Religious Organizations Gunduz Ismayilov, pointedly [said](#) that "there are some forces in Azerbaijan who seek to bring political elements into Ashura commemorations in the country."

In early December, the government-connected website [Haqqin.Az](#) published an [article](#) accusing Iran of trying to recruit Shia pilgrims visiting the holy city of Karbala in Iraq. The article claimed that 30,000 Azerbaijanis visited Karbala for Ashura this year, an increase of 33 percent over the previous year.

The article also alleged that the Iranian Islamic Revolutionary Guard and its associated Shiite militia, "Hasdi Shabi," have recruited Azerbaijanis to gather intelligence and conduct anti-government propaganda against Baku. Some of the propaganda, the article claimed, was focused on Nardaran, a center of Shia conservatism in Azerbaijan.

In 2015, security services carried out a series of [raids in Nardaran](#), arresting religious activists they accused of plotting to overthrow the government. Azerbaijan's authorities also believed that Nardaran's religious leaders were under Iranian influence, and that after the operation, that influence has been curbed. The Iranian propaganda, the Haqqin article said, criticized the Nardaran events as an "infringement of rights and persecution of Shias."

Some in Baku question the government's focus on Iran's influence over its Shia. "It would be too easy to claim that all the people who went to Iraq for holy visits end up under Iran's influence," one mid-level government official told [EurasiaNet.org](#) on condition of anonymity. The official added, though, that "falling under the influences of foreign intelligence is much easier there than anywhere else."

The official suggested that more Azerbaijanis visiting Iraq and Syria are recruited by ISIS: The number of Azerbaijanis joining ISIS has been on the rise in the last two years, and last year 151 people were stripped of their Azerbaijani citizenship for fighting in the ranks of terrorist organizations. "This is the main threat," the official said.

Another [article](#), by a government think tank, the Center for Strategic Studies (SAM), also appeared to speak to Baku's concerns about Iran, this time about its relations with Armenia.

The unsigned article raised eyebrows among Baku's foreign policy community, both for its tone – reading more like an official statement than a piece of analysis – and its language. It was published in Azerbaijani, instead of Russian and English, suggesting the topic wasn't SAM's usual international audience, but a message to the Iranian government via its embassy in Baku.

The piece criticized increasing contacts between Tehran and the de facto authorities of Nagorno Karabakh, whom Baku regards as a separatist regime on Azerbaijani territory. It described recent appearances of Karabakh officials in the Iranian media and the publication of two books on Karabakh. And it highlighted a November 15 conference in Iran devoted to Karabakh. "The Iranian International Studies Association, one of the founders of which is the Iranian Foreign Minister Mohammad Javad Zarifi, has created a kind of platform for the conduct of anti-Azerbaijani propaganda by Armenian scientists," the author wrote.

While Azerbaijani criticism of Iran-Armenia relations is not new, it appears to have reached a new level, one analyst with close links to the Azerbaijani government told [EurasiaNet.org](#), speaking on condition of anonymity. Baku is unsure why Tehran is emphasizing ties with the de facto Karabakh authorities, and fears that it will serve to legitimize them in Iran and create sympathy for them, which Baku regards as a threat to its interests, the analyst said.

Editor's note:

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