

9 June 2014

AZERBAIJAN: Third Muslim in secret police pre-trial detention

By Felix Corley, Forum 18 News Service

Revan Farzaliyev became the third Muslim who reads the works of the late Turkish theologian Said Nursi to be arrested by Azerbaijan's National Security Ministry (NSM) secret police. He was summoned to the NSM headquarters in Baku on 23 May "and was arrested right there", fellow Muslims told Forum 18 News Service. Within days, a court ordered he be held in two months' pre-trial detention. He joins two others, Eldeniz Hajiyevev and Ismayil Mammadov - held by the secret police since 12 April - facing criminal prosecution for a meeting for religious education without state permission. Meanwhile, two Jehovah's Witness meetings were raided by police as "illegal" in early June, one in Gyanja and one in Mingechaur. "It wasn't a raid," Mingechaur police chief Colonel Alasgar Badalov insisted to Forum 18. Four of those present at the Gyanja meeting face large fines if found guilty at court hearings due on 17 June.

A third Muslim who reads the works of the late Turkish theologian Said Nursi, Revan Farzaliyev, was arrested by Azerbaijan's National Security Ministry (NSM) secret police in the capital Baku on 23 May. "Revan was summoned to the National Security Ministry and was arrested right there," fellow Muslims told Forum 18 News Service. Farzaliyev joins two others - Eldeniz Hajiyevev and Ismayil Mammadov - in secret police detention being investigated on criminal charges following a 12 April armed police raid on a meeting for religious teaching in Baku.

Within days of his arrest, Sabail District Court ordered Farzaliyev to be held in two months' detention as the investigation continues, Hajiyevev's lawyer Nizami Abbasov told Forum 18 from Baku on 9 June.

Hajiyevev and Mammadov have been under arrest since the 12 April raid (see F18News 16 April 2014 <http://www.forum18.org/archive.php?article_id=1948>).

On 7 June, Judge Aytan Aliyeva of Sabail District Court extended Hajiyevev and Mammadov's pre-trial detention by a further two months until 13 August, Abbasov added. He said the Judge rejected his suit for Hajiyevev to be transferred to house arrest. Both men were present in court for the hearings, even though Hajiyevev was ill.

Officials at Sabail District Court refused to confirm to Forum 18 on 9 June any details of the hearings that allowed for the men's continuing detention.

Nadir Mustafayev, who is investigating the cases at the NSM secret police, declined to give any information about the cases. "I didn't detain anyone," he told Forum 18 on 9 June. Asked how the case is proceeding, Mustafayev would not respond. "I can't answer your questions," he said and put the phone down.

The detention of the three Muslims comes as police appear to be stepping up raids on Jehovah's Witness meetings. Police raided a meeting in Azerbaijan's second city Gyanja [Gäncä] on 4 June, while police raided a meeting 60 kms (40 miles) away in Mingechaur [Mingäcevir] on 8 June (see below).

Also, the appeal of Jehovah's Witness conscientious objector Kamran Shikhaliyev is due to be heard by Judge Etibar Jamalov of Shirvan Appeal Court's Military Collegium on the morning of 11 June. The 18-year-old Shikhaliyev was forcibly conscripted in October 2013. In April 2014 Jalilabad Military Court sentenced him to one year in a disciplinary military unit (see F18News 3 June 2014 <http://www.forum18.org/archive.php?article_id=1964>).

Criminal investigation

The three Baku-based Muslims - Hajiyevev, Mammadov and Farzaliyev - are being investigated under Criminal Code Article 168.2.

Article 168 punishes "Creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it". Cases when minors are involved are prosecuted under Article 168.2, which carries

a maximum punishment of three years' imprisonment (see Forum 18's Azerbaijan religious freedom survey at <http://www.forum18.org/archive.php?article_id=1690>).

"Officials say many 'witnesses' need to be questioned in connection with the case," Hajiyev's lawyer Abbasov told Forum 18. He said at least 60 house searches have taken place in the region around the central town of Goychay. "The authorities are trying to prove that Eldeniz distributed books, and this is a very devout region."

The day before the Baku raid, police in Goychay raided a meeting attended by about 70 people who read the works of Nursi. The home-owner was fined (see F18News 16 April 2014 <http://www.forum18.org/archive.php?article_id=1948>).

One of those questioned in the case, Dashqin Vahabli, told Forum 18 he was beaten by NSM officers on 1 May, as they tried to pressure him to sign incriminating statements (see F18News 8 May 2014 <http://www.forum18.org/archive.php?article_id=1956>).

Trouble began on 12 April, when armed police raided Muslims studying Nursi's writings in Hajiyev's Baku home. On 14 April, Baku's Sabail District Court ordered that Hajiyev and Mammadov be held for two months in pre-trial detention.

Farzaliyev was among nine who were each fined 1,500 Manats (11,400 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars) at Baku's Yasamal District Court on 14 April for their attendance at the meeting. All were punished under Administrative Code Article 299.0.2 (see F18News 16 April 2014 <http://www.forum18.org/archive.php?article_id=1948>).

Administrative Code Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies". Punishment on individuals is a fine of between 1,500 and 2,000 Manats (see Forum 18's Azerbaijan religious freedom survey <http://www.forum18.org/archive.php?article_id=1690>).

Secret police detention

Hajiyev, Mammadov and Farzaliyev are being held at the NSM secret police investigation prison on the upper floor of the main NSM building in Baku. The address:

Milli Tahlükasizlik Nazirliyinin

Istintaq Tacridxanasi

Parlament Prospekti 14

Baku AZ1006

Azerbaijan

Family visit?

Hajiyev, who is 42, is unmarried, but his widowed mother lives in Guba in northern Azerbaijan. Officials said that if she lodges a request, she would be able to see him in prison, lawyer Abbasov told Forum 18. He said the law specifies that close family can have two visits per month. "She is now lodging such a request, so we will see," he said.

Gyanja raid

Police in Gyanja's Kapaz District raided a private home on 4 June where 22 people had gathered for a Jehovah's Witness meeting, police told local journalists. Officers claimed they were holding an "illegal" religious meeting. Officers searched the home, confiscating religious literature they claimed was "banned by law". Ten women, 11 men and a child were detained. Police insisted to the Kavkazsky Uzel news website on 5 June that the detention of the child was legal as the boy's mother was also present.

Those present at the meeting were taken to Kapaz District police station, where they had to write statements about their participation in an "illegal" meeting. They were then taken to court and given a warning before being freed later in the day. ANS television filmed the 22 people as they waited in the police station.

An officer at Kapaz District Police, who did not give his name or rank, insisted to Forum 18 on 9 June that no problem existed as all had been freed. He refused to discuss the forthcoming administrative cases against four of them (see below).

Asked why the group had been raided, he said such meetings were "not allowed". "They must ask permission." He refused to explain why they needed to ask permission to meet. He then claimed the police had merely "checked up" on them after complaints from neighbours that "people were gathering". He declined to answer any other questions.

Registration application unanswered

The telephone of the regional department of the State Committee went unanswered each time Forum 18 called on 9 June. However, an official of the department insisted to Kavkazsky Uzel that the Jehovah's Witness community's activity in Gyanja is illegal as it does not have the compulsory state registration.

Gyanja's Jehovah's Witness community applied for state registration in 2010. However, the State Committee rejected the application for "technical reasons", fellow Jehovah's Witnesses complained to Kavkazsky Uzel. The community resubmitted the application in June 2011. "But up till now the State Committee has taken a decision neither to register the Gyanja community nor to reject it."

Many of Azerbaijan's religious communities are in a similar position, with no response to their registration applications lodged in 2010 following the harsh new 2009 Religion Law. The State Committee has never explained why it has not processed these applications.

It remains unclear which books police seized from the Gyanja home. "Usually during such raids, police take all the religious literature they can find at the location of the meeting, including Bibles," one Jehovah's Witness told Kavkazsky Uzel.

Four face trial

However, four of Gyanja's Jehovah's Witnesses - Elgiz Aliyev, Rashad Niftaliyev, Tarana Mammadova and Akif Aliyev - are facing trial under Administrative Code Article 299.0.2. On 5 June they were taken to Kapaz District Court, but the hearings were deferred until 17 June.

On 17 June, Judge Afiq Huseynzade is due to hear the cases against Niftaliyev and Akif Aliyev. The same day, Judge Yashar Hashimov is due to hear the cases against Mammadova and Elgiz Aliyev, the court chancellery told Forum 18 on 9 June.

Niftaliyev has repeatedly been fined to punish him for exercising the right to freedom of religion or belief. In March 2012, he lodged a case to the European Court of Human Rights in Strasbourg on his and his fellow Jehovah's Witnesses' behalf: Niftaliyev and Others v. Azerbaijan (Application No. 561/12). The Strasbourg court has not yet ruled on the case (see F18News 16 January 2013 <http://www.forum18.org/archive.php?article_id=1790>).

Mingechaur raid

On 8 June, city police raided a home owned by Asif Bakirov where 22 people had gathered for a Jehovah's Witness meeting, the Interior Ministry website noted the same day. All 22 were held for questioning about what police claim was "illegal" publication and distribution of religious materials. They claim 13 of the books were "illegal". Bakirov and another attendee Rza Babayev were taken to the police station.

Asked on 9 June why his officers had raided a private home during a religious meeting, Mingechaur police chief Colonel Alasgar Badalov insisted to Forum 18: "It wasn't a raid." He then refused to answer any more questions and put the phone down.

An official of the regional department of the State Committee in Yevlakh, Asim Rafiyev, refused to discuss the raid with Forum 18 on 9 June. Asked if the Jehovah's Witnesses had been raided because they were terrorists, he responded: "No."

The Gyanja and Mingechaur raids came several weeks after the detention of two Jehovah's Witnesses in the northern town of Gakh who were talking to others of their faith. However, on 29 May, when one of them was brought to court, the judge dismissed the case, arguing that any such discussion was in a private conversation (see F18News 3 June 2014 <http://www.forum18.org/archive.php?article_id=1964>). (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1690>.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at <<http://www.forum18.org/Archive.php?query=&religion=all&country=23>>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at <http://www.forum18.org/Archive.php?article_id=1351>.

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see <http://www.forum18.org/Archive.php?article_id=482>.

A printer-friendly map of Azerbaijan is available at <<http://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan>>.

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