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AZERBAIJAN: Imam and driver in pre-trial detention, conscientious objector imprisoned

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Imprisoned Jehovah's Witness conscientious objector Kamran Mirzayev is due to hear tomorrow (15 May) if his appeal has overturned his nine-month prison sentence, Jehovah's Witnesses told Forum 18 News Service. He is one of two known conscientious objectors imprisoned for refusing Azerbaijan's compulsory military service. Azerbaijan committed itself to adopting an alternative civilian service by January 2003, but failed to do so. Meanwhile, Imam Taleh Bagirov - who led prayers and preached at a Shia mosque near Baku in defiance of the authorities' pressure - is in his second month of pre-trial detention, together with his driver. Community members insist the accusations against them are fabricated. The investigator leading the criminal case, Vusal Salehov from the Police Department for the Fight Against Organised Crime, refused to discuss the case with Forum 18.

After two months' imprisonment, Jehovah's Witness conscientious objector Kamran Mirzayev is due to hear tomorrow (15 May) if his appeal has overturned his nine-month prison term for refusing compulsory military service on grounds of religious conscience, Forum 18 News Service has learnt. Mirzayev is one of two known imprisoned conscientious objectors in Azerbaijan. In a separate case, Imam Taleh Bagirov and his driver Anar Melikov are in their second month of prison awaiting criminal trial on drugs and weapons charges which their community members insist have been fabricated. They say the authorities were unhappy at Bagirov's preaching against the Caucasian Muslim Board and state officials.

"Taleh Bagirov has been imprisoned for his social and political activity, as well as his preaching in the mosque," his lawyer Javad Javadov told Forum 18 from the capital Baku on 14 May. "He was very harsh in his criticism of the Caucasian Muslim Board and of officials. They didn't like his rhetoric."

Javadov claimed that police often plant drugs or weapons on individuals they wish to imprison for political reasons.

Defying state-backed mosque control

The 29-year-old Imam Taleh Bagirov (also known as Bagirzade) preached at the Hazrat Abulfaz Aga Mosque in the village of Mastaga on the Absheron peninsula near Baku. The mosque was built by local Shia Muslims. It gained state registration in June 2010, the State Committee website notes.

Like all mosques in Azerbaijan, the government insisted Hazrat Abulfaz Aga Mosque has to be controlled by the Caucasian Muslim Board, which named its imam. However, many mosque members rejected the imam named by the Board, Mirjafar Hasanli. They welcomed instead Bagirov and another theologian Zulfugar Mikailzade to lead Friday prayers and give the sermon. Indeed, mosque members often prevented the Board-appointed imam from entering the mosque.

The 2009 Religion Law requires all mosques to belong to the state-backed Caucasian Muslim Board. Independent mosques are banned. Many religious communities of other faiths have been denied state registration and are subjected to threats, raids and fines (see Forum 18's religious freedom survey of Azerbaijan <http://www.forum18.org/Archive.php?article_id=1690>).

Many mosques - including those both inside and outside the Muslim Board - have been forced to close down. Sunni mosques - such as one in Azerbaijan's second city Gyanja [Gäncä] - have been particularly targeted for enforced closure and confiscation (see F18News 18 September 2009 <http://www.forum18.org/Archive.php?article_id=1350>).

Muslims - and others - who conduct religious activity outside the framework of state-approved places of worship face harassment, such as the Baku-based Muslim Zeka Miragayev whose home was raided in May 2012 (see F18News 11 July 2012 <http://www.forum18.org/Archive.php?article_id=1719>).

Criticising the authorities

Bagirov is known for his often harsh criticism of the Azerbaijani government as well as of the Caucasian Muslim Board.

After university in Baku, Bagirov received religious education in Qom in Iran and Najaf in Iraq, two of Shia Islam's holiest cities and centres of learning. He returned to Azerbaijan in May 2011. That month Bagirov was arrested and subsequently imprisoned for 18 months for his participation in demonstrations against bans on the headscarf for girls in schools. He was not freed until November 2012. Mikailzade had received a suspended sentence.

In sermons shared on social media, Bagirov compared the government to the Egyptian pharaohs, and called Muslims out into the streets, independent Baku journalist Idrak Abbasov wrote in a 5 April article for the Institute for War and Peace Reporting.

"No matter how many evil-doers there are in this world, how many men in black masks and guns, Allah is with us," Abbasov quoted Bagirov as saying in one sermon. "You have stolen people's land, you have stolen the oil, and you still sit there with no one to say anything to you. Now you want to rule in the mosque too? No matter how influential an official is, he cannot rule inside the mosque."

Heroin, pistol, bullets?

Bagirov and his driver Melikov were arrested on 31 March by officers of Baku's Sabunchu District police. Officers later claimed they had found just over a gram of heroin when they searched Bagirov, and a pistol, bullets and a knife when they searched Melikov.

When the authorities sought to imprison Baptist Pastor Hamid Shabanov in 2008 for leading an unregistered religious community in his home village of Aliabad, they chose to lodge criminal charges of owning an illegal gun. He and his church members insist the Russian gun - dating back to 1895 - on which the case was based was planted by police. Pastor Shabanov spent seven months in prison and under house arrest (see F18News 12 February 2009 <http://www.forum18.org/Archive.php?article_id=1254>).

Elchin Gasymov, a theologian who regularly attended the Hazrat Abulfaz Aga Mosque, rejected the authorities' allegations against Bagirov. "We condemn Taleh's arrest," he told Radio Free Europe's Azerbaijani service on 5 April. "He is a theologian and a person concerned about the fate of the people." He said neither he nor any other mosque member believed the drugs accusations against Bagirov, describing them as "impossible".

"At first there was pressure not to allow Taleh into the mosque," Gasymov told Radio Free Europe. He said pressure on the mosque from the State Committee for Work with Religious Organisations had stopped after Bagirov's arrest.

A mosque official, who asked not to be named, told Radio Free Europe the village Administration as well as higher-level officials had warned the mosque not to allow Bagirov to lead prayers or preach there.

The head of Mastaga Administration, Zulfugar Jafarov, insisted to Radio Free Europe's Azerbaijani service on 5 April that all was quiet in the Hazrat Abulfaz Aga Mosque. "People are conducting their rituals. No warning has been given to the mosque."

Police beating?

Bagirov and Melikov were initially held at Sabunchu District Police station. On 2 April, Baku's Sabunchu District Court ordered their detention in pre-trial custody for two months while the case is investigated. The two men were transferred that day to the Police Department for the Fight Against Organised Crime. In mid-April, Bagirov and Melikov were transferred to the Investigation Isolation Prison in Kurdakhani north of Baku.

Bagirov's lawyer Javadov met his client on 3 April at the Department for the Fight Against Organised Crime. The lawyer told journalists the same day that at Sabunchu District police station after his arrest, officers tied Bagirov's hands and feet together and beat him. Because his hands were so tightly bound, he lost the ability to move his right hand. Javadov said signs of the beatings were still visible on Bagirov's body.

Forum 18 tried to reach Colonel Javanshir Babayev, head of Sabunchu District Police, on 14 May. Although officers said he was in his office they said they were unable to give Forum 18 his direct telephone number. The same day Ali Aliyev, who said he was one of Colonel Babayev's aides, said he did not recall Bagirov's case. "But we don't beat detainees," Aliyev insisted to Forum 18. "Our senior officers take a very serious approach to that."

Three years' imprisonment?

Bagirov is facing charges under Criminal Code Article 234.1. This punishes production, purchase, storage, transfer or sale of drugs with a prison term of up to three years. Melikov faces criminal charges of illegal possession of weapons.

The case against Bagirov is being led by Vusal Salehov, an investigator from the Police Department for the Fight Against Organised Crime. Reached on 14 May, he immediately put down the phone as soon as Forum 18 introduced itself. Subsequent calls went unanswered.

The lawyer Javadov told Forum 18 he believes the pre-trial detention will be extended further when it runs out at the end of May. He applied to court for his client to be transferred to house arrest while the investigation against him continues. However, the suit was held by Sabunchu District Court for a month before being handed to Narimanov District Court. There on 3 May, Judge Abbas Aliyev rejected the suit.

Bagirov, who was allowed to appear and speak at the 3 May hearing, told the court he expected nothing from it. "The reason for my arrest is the injustice ruling in this country," Islamazeri.az quoted him as declaring.

Javadov lodged an appeal on Bagirov's behalf to Baku Appeal Court against the lower court decision. However, on 13 May Judge Abid Abdinbayov rejected the appeal.

Javadov told Forum 18 that he had visited Bagirov again at the detention facility at Kurdakhani on 13 May. "He now has the Koran and some other books, and is not prevented from praying. However, the prison won't let him have all the books that have been brought for him."

Nine months' imprisonment

Jehovah's Witness Kamran Mirzayev - who was imprisoned after rejecting Azerbaijan's compulsory military service on grounds of religious conscience - has tried to overturn his prison term. His appeal was heard on 14 May by a panel of judges at Sheki Appeal Court, chaired by Judge Humbat Salimov. The Court said the decision is to be officially announced on 15 May, Jehovah's Witnesses told Forum 18. Officials at the Court refused to give Forum 18 any information on 14 May.

The 18-year-old Mirzayev, who lived in Baku, is originally from the town of Goychay [Göyçay] in central Azerbaijan, which is still his officially-registered place of residence.

A criminal case was opened against him after he declared that he could not serve in the armed forces and wished to do an alternative, non-military service. The case was launched under Article 321.1 of the Criminal Code. 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]".

Mirzayev was summoned for trial on 12 March at Goychay Court. There, Judge Farhad Efendiyev sentenced him to nine months' imprisonment, according to court documents seen by Forum 18. He was arrested in court once the verdict was announced, Jehovah's Witnesses told Forum 18. He then lodged the appeal to Sheki Appeal Court.

Still imprisoned

The other current known imprisoned conscientious objector is Fakhraddin Mirzayev (no relation of Kamran). A Jehovah's Witness from Gyanja, he had his 20th birthday in prison on 19 March.

Fakhraddin Mirzayev was sentenced at Gyanja's Kapaz District Court on 25 September 2012 to one year's imprisonment under Article 321.1 of the Criminal Code. On 21 November 2012 a panel of three judges at Gyanja Appeal Court upheld the decision of the lower court.

Fakhraddin Mirzayev has lodged a further appeal to Azerbaijan's Supreme Court and is awaiting a hearing, Jehovah's Witnesses told Forum 18 on 14 May.

Originally held in Gyanja, after his November 2012 appeal was rejected Fakhraddin Mirzayev was transferred to prison camp No. 5 in the village of Halaj near Salyan, southwest of Baku. Human rights defender Eldar Zeynalov pointed out to Forum 18 that the prison's distance from Mirzayev's home town represents an "additional punishment" for him (see F18News 17 January 2013 <http://www.forum18.org/Archive.php?article_id=1791>).

The prison address is:

5 nomreli Cezacekme muessisesi

Halaj settlement

Salyan region

Azerbaijan

Council of Europe concern

Fakhraddin Mirzayev was included in the 22 January 2013 list of political prisoners in Azerbaijan prepared by Christoph Strässer, Rapporteur of the Council of Europe Parliamentary Assembly Committee on Legal Affairs and Human Rights (Doc. 13079 Add). It noted that in cases involving Turkey and Armenia, "the European Court of Human Rights has established the duty to establish an alternative service for conscientious objectors to military service".

The report also noted two cases lodged against Azerbaijan at the Strasbourg-based ECtHR by former imprisoned conscientious objectors: Mushfiq Mammedov and Samir Huseynov v. Azerbaijan (Application No. 14604/08) and Farid Mammedov v. Azerbaijan (Application No. 45823/11). All three former prisoners had been convicted under Criminal Code Article 321.1 (see F18News 16 October 2012 <http://www.forum18.org/Archive.php?article_id=1755>).

The ECtHR told Forum 18 from Strasbourg on 14 May that no admissibility decisions have yet been taken in either of these cases.

Conscientious objection "dangerous"?

Elshad Iskenderov, chair of the State Committee in Baku, rejected concerns that those in Azerbaijan who refuse compulsory military service on grounds of religious conscience "come under pressure". He complained that those who raise these concerns "are not interested in how dangerous these evasions [of military service] are for the national security of Azerbaijan, [...] whose land is occupied," he said in an interview with Trend news agency, published on 6 May and also reproduced on the State Committee website.

When Azerbaijan entered the Council of Europe in 2001, it committed itself to pardon and free imprisoned conscientious objectors, and to introduce civilian alternative service, by January 2003.

At the time of accession to the Council of Europe, senior Azerbaijani politicians pledged to implement the commitments in full. "We studied the list of commitments received on the eve of Azerbaijan's accession to the Council of Europe and would like to assure you that after becoming a full member state of the Council of Europe, Azerbaijan will spare no efforts to implement these commitments," President Heydar Aliyev, Murtuz Aleskerov, Chair of Parliament (Milli Mejlis), and Prime Minister Artur Rasi-Zade wrote in a joint letter to the Council of Europe on 25 March 2000.

However, Azerbaijan has to date failed to pardon and free imprisoned conscientious objectors, or to introduce civilian alternative service (see Forum 18's religious freedom survey of Azerbaijan <http://www.forum18.org/Archive.php?article_id=1690>). (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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