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AZERBAIJAN: Imprisoned for pistol or prayer room?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Nine Sunni Muslims arriving for lunchtime prayers on 13 November at a prayer room in a Sumgait home were detained by plain clothes police, Forum 18 News Service has learnt. Masked, armed police then stormed the home and searched it, claiming to find weapons. The nine were beaten and humiliated by police officers before release that evening, several confirmed to local news agencies. The home owner, Zohrab Shikhaliyev, was arrested elsewhere in Sumgait that day. On 15 November a court in Azerbaijan's capital Baku ordered him held in two months' pre-trial detention as a criminal case is investigated. Although Shikhaliyev's prayer room has functioned for two years, about six months ago officials started accusing him of "illegally" providing a space where Sunni Muslims might worship, Gamet Suleymanov, imam of Baku's closed Abu Bekr Sunni mosque, told Forum 18. Meanwhile, the criminal case against three Baku-based Muslims - who spent up to five months under criminal investigation in pre-trial detention at the NSM secret police for holding a religious education meeting - has now been handed to a Baku court and their trial is expected soon.

Relatives and friends of arrested Sunni Muslim Zohrab Shikhaliyev have rejected official claims that he had illegal weapons and ammunition in his home in Sumgait [Sumqayit], north of Azerbaijan's capital Baku. They insist the charges have been fabricated to punish him for offering his home for Muslim prayers, Forum 18 News Service has learnt. Others detained for several hours the same day Shikhaliyev was arrested – including two invalid veterans of the Karabakh war - complain that police officers beat and humiliated them.

The 36-year-old Shikhaliyev was arrested in Sumgait by the Police Department for the Fight Against Organised Crime and Sumgait Town Police on 13 November, the Interior Ministry noted on its website the same day. The same day armed and masked police raided his home. On 15 November, Baku's Narimanov District Court ordered Shikhaliyev's detention for two months in pre-trial custody as criminal charges are being investigated, the court confirmed to Forum 18.

The government and the state-backed Caucasian Muslim Board have been waging what appears to have been a systematic campaign to suppress specifically Sunni Muslim places of worship. The Lezgin Mosque - one of just two specifically Sunni Muslim mosques still open in Baku – has been threatened with closure using renovation as an excuse (see F18News 14 August 2014 http://www.forum18.org/archive.php?article_id=1985).

All Baku's other Sunni mosques - such as the Abu Bekr Mosque and the Martyrs' Mosque, also known as the Turkish Mosque, near parliament - have been closed by the authorities on various pretexts since 2008. The only Sunni Muslim mosque in Azerbaijan's second city Gyanja [Gäncä] was also forcibly closed in 2009 (see F18News 18 September 2009 http://www.forum18.org/archive.php?article_id=1350).

Another Sunni mosque, in Mushfiqabad near Baku, was transferred to new control in spring 2014. Unnamed officials of the State Committee for Work with Religious Organisations said in March that the old community which ran the mosque had "dissolved itself". Muslims close to the community denied this to Forum 18. The mosque is no longer specifically Sunni (see F18News 28 May 2014 http://www.forum18.org/archive.php?article_id=1962).

The government is also hostile to all Islamic activity it does not control. For example, the largest current group of prisoners of conscience jailed on grounds of freedom of religion or belief are a group of Muslim men arrested in October 2012 for protesting against a ban on girls wearing a headscarf (hijab) in schools. Twelve are still in prison (see below).

"Not one Sunni mosque" in Sumgait

Shikhaliyev's brother Samir rejects all accusations against Zohrab Shikhaliyev. "He always spoke up against religious radicalism and stressed that Islam rejects violence," he told Caucasian Knot news agency. "He opened a prayer room in the yard of his home only because even in such a large town as Sumgait there is not one Sunni mosque."

Samir Shikhaliyev insisted that his brother had opened the prayer room to Muslims wishing to pray the namaz (Muslim prayer) and had not hidden his activity. "State agencies and the local authorities had known about this," he told Caucasian Knot. "An official

from Sumgait town administration had even come to see it."

Also defending Zohrab Shikhaliyev is Gamet Suleymanov, imam of Baku's closed Abu Bekr Sunni mosque. "I know Zohrab very well," he told Forum 18 from Baku on 17 November. "He is a Salafi Muslim and is not radical – indeed, he opposes radicalism. He is not against the state."

Suleymanov noted that although Shikhaliyev's prayer room has functioned for two years, about six months ago officials started accusing him of "illegally" providing a space where Sunni Muslims might worship.

Arrests, search

Plain clothed police officers arrested nine Muslims – among them Samir Shikhaliyev - as they arrived for prayers at Shikhaliyev's home in the village of Corat on the south-eastern edge of Sumgait at about 12 noon on 13 November. "After we were arrested, masked men burst into the yard and began a search, despite the fact that no men were present at the time in the house," Samir Shikhaliyev told Caucasian Knot.

Police claim to have discovered a Walther pistol and three bullets, 48 other bullets of various calibres, three grenades, six detonators and two memory cards from security cameras. They also claim to have seized 500 items of religious literature and 210 discs, according to the Interior Ministry website. It did not identify the seized literature or discs.

Samir Shikhaliyev insisted to Caucasian Knot that his brother had no weapons. "They themselves planted the weapons."

Police beatings

Police then took the nine men by car to the town police station. The nine were "subjected to insults and humiliation" from officers before being freed that evening, Samir Shikhaliyev said.

Another of those detained, Zaur Mehdiyev, similarly recounted abuse. An invalid from the Karabakh war of the early 1990s, he told the local Turan news agency he had been put in handcuffs and beaten. "They beat me on my back and head," he told Turan. "I told them I had been wounded and still had shrapnel in my body, but they carried on beating me." He said he and several others later had to seek medical treatment.

Another Karabakh war invalid among those detained, Vidadi Maherramli, told Turan officers had beaten him in the kidneys and in the places where he had suffered war wounds.

Mehdiyev told Caucasian Knot that the men had been told to report back to the police the following day after shaving off their beards. He said they had refused to remove their beards or return to the police station.

Several of those detained wrote complaints to President Ilham Aliyev, Human Rights Ombudsperson Elmira Suleymanova, the General Prosecutor's Office and other agencies. One of the detainees, Russian citizen Rashad Sultanov, pledged that he would not let the abuse go unchallenged. He had arrived back in Sumgait only the day before the raid and the arrests, he told Turan.

Those detained fear that administrative or criminal punishments might be handed down on them also.

Arrested in his car

Zohrab Shikhaliyev himself was arrested at about noon the same day in his car elsewhere in Sumgait. His car has not been seen since, Samir Shikhaliyev noted. Officers assigned a lawyer to him, a former police officer named Alesker. However, after Zohrab Shikhaliyev was transferred to police custody in Baku, the lawyer seems to have abandoned him, telling relatives that "another lawyer had been given to him".

An official of Narimanov District Court chancellery declined to tell Forum 18 on 17 November which Judge had ordered Shikhaliyev's pre-trial detention on the afternoon of 15 November, who had defended him in court and why the case had not been heard in Sumgait.

No answers

No officials reached by Forum 18 on 17 November were prepared to answer any questions about Shikhaliyev's arrest or the maltreatment of the other detainees. An aide to Seyfulla Azimov, the newly-appointed head of the Police's Department for the Fight Against Organised Crime, told Forum 18 from Baku he had no information on the case. Captain Mehman Huseynov, head of Corat police, refused to answer any questions.

Duty officers at Sumgait Police Station would not put Forum 18 through to town police chief Major-General Sahib Mirzayev. Nor

would anyone else answer questions on Shikhaliyev's arrest or the maltreatment of the other detainees.

Similarly, Azer Abbasov, the Sumgait and Absheron regional representative for the State Committee, would not answer any questions.

However, Mubariz Qurbanli, head of the State Committee, defended the raid and arrests to the local APA news agency on 14 November as "completely legal and necessary". "These people in fact created a structure similar to a terrorist cell," he claimed. He insisted that police elsewhere will continue with further such operations, while his Committee would continue to counter "radical religious ideologies".

Since his appointment to head the State Committee in July, Qurbanli, has rejected the right of individuals to conduct religious work, the right of mosques to choose their own leaders, the right of individuals to interpret the Koran for themselves, the right to distribute religious literature uncensored, and the right to share one's faith (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

Prison punishment

Meanwhile, in mid-October prison officials sent imprisoned Islamic preacher and theologian Taleh Bagirov to the punishment cell in Labour Camp No. 12 in the village of Puta where he is serving his sentence. "Initially he was given one week, then they added on a further month," his lawyer Javad Javadov told Forum 18 from Baku on 18 November. "He is now due out on 23 November."

Bagirov was formally put in the punishment cell for failing to obey camp officials. "This is the usual excuse," Javadov said. "The real reason was to prevent him addressing other prisoners in the special month of Muharram, which is sacred particularly to Shia Muslims."

Bagirov does not have access to religious literature in the punishment cell, nor can he meet relatives during that time. He can pray there, Javadov told Forum 18.

The 30-year-old Bagirov (also known as Bagirzade) was given a two-year strict regime prison sentence in November 2013. He was found guilty of possessing just over one gram of heroin under Criminal Code Article 234.1. His supporters insist the case was fabricated to punish him for his religious and political activity. His driver Anar Melikov had earlier been given a 19-month prison term in August 2013 (see F18News 7 November 2013 http://www.forum18.org/archive.php?article_id=1894).

At a further trial in August 2014, a Baku court sentenced Bagirov to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell (see F18News 14 August 2014 http://www.forum18.org/archive.php?article_id=1985).

Anti-hijab ban prisoners of conscience

The largest number of prisoners of conscience jailed on grounds of freedom of religion or belief are a group of men arrested for protesting against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. Street protests in Baku were held in December 2010, May 2011 and – a much larger protest – in October 2012.

Twelve of those arrested in connection with the October 2012 protest are still in prison. All but one were convicted under Criminal Code Article 233 ("Organisation of actions promoting infringement of a social order or active participation in such actions"). Some were also convicted under other Articles.

Those still imprisoned are: Tarlan Agadadashov (5 years, 6 months, Prison No. 16), Rovshan Allahverdiyev (5 years, 6 months, Prison No. 16), Nasimi Hasanov (4 years, Prison No. 16), Ilham Hatamov (5 years, 6 months, Prison No. 14), David Karimov (6 years, Prison No. 16), Anar Gasimli (5 years, 6 months, Prison No. 14), Nahid Gahramanov (4 years, Kurdakhani Investigation Prison), Jeyhun Guliyev (5 years, Prison No. 14), Muraday Guluyev (5 years, Prison No. 17), Elshad Rzayev (6 years, Prison No. 16), Telman Shiraliyev (6 years, Prison No. 16), and Ramil Valiyev (6 years, 6 months, Prison No. 5).

In addition others who received prison terms were: Vahid Lalakishiyev (2 years), Elchin Mammadov (1 year, 9 months), Ramil Mehdiyev (2 years), Ruhid Abbasov (2 years), Khudaverdi Abdullayev (2 years), Arif Fataliyev (2 years), Bayramali Valishov (2 years) and Aydin Mammadov (2 years, 3 months). These were all freed in 2014, Eldar Zeynalov of the Human Rights Centre of Azerbaijan told Forum 18 from Baku on 18 November.

The October 2012 anti-hijab ban protest outside the Education Ministry 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 state 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" (see <http://www.nhc.no/en/list-of-political-prisoners-in-azerbaijan-published-today/>).

Criminal cases handed to court

The criminal investigation against three Baku-based Muslims has been completed and the case has been handed to Baku's Yasamal District Court, their friends told Forum 18 from Baku on 18 November. The three remain under house arrest as they await trial.

The three men - Eldeniz Hajiyev, Ismayil Mammadov and Revan Sabzaliyev – were arrested for participating in a meeting to discuss their faith which was raided by armed police and National Security Ministry (NSM) secret police in April. They were transferred to house arrest on 12 September after up to five months in pre-trial detention at the NSM secret police investigation prison in Baku. Hajiyev and Mammadov had been held since April, Sabzaliyev since May (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

Hajiyev, Mammadov and Sabzaliyev are facing trial 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).

Conscientious objector "unlawfully confined against his will"

Jehovah's Witness Kamran Shikhaliyev has been held for more than 13 months for refusing compulsory military service on grounds of religious conscience. Arrested in Baku in October 2013, he was sentenced to one year in a military disciplinary unit in April 2014. In July he lost his appeal against the conviction (see F18News 7 August 2014 http://www.forum18.org/archive.php?article_id=1983).

"The military has never put him in the disciplinary unit, so his sentence has yet to begin," Jehovah's Witnesses told Forum 18 on 18 November. "For more than a year, Kamran has been deprived of his liberty and is being unlawfully confined against his will. He has been subjected to physical abuse, verbal humiliation, and psychological pressure."

The 19-year-old Shikhaliyev is currently being held in Military Unit No. 704 in Astara in Lankaran Region of southern Azerbaijan. (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.

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