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AZERBAIJAN: Multiple fines for Muslims meeting for prayer in homes

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

Multiple prosecutions and fines of Muslims - who in different parts of Azerbaijan met for Islamic worship in homes without state permission - have followed raids by police and State Committee for Work with Religious Organisations officials. The Muslims were each fined the equivalent of about two months' average wages for those in formal work. For people in rural areas, those without a formal job, or pensioners, such fines are a heavy financial burden.

There have been multiple prosecutions and fines of Muslims who in Quba in north-east Azerbaijan, Agdash in the centre of the country, and in Oquz and Zaqatala in the north met in homes for Islamic worship without state permission. The Muslims were fined following police and State Committee for Work with Religious Organisations raids on homes.

Forum 18 has learned of 20 such fines to punish the exercise of freedom of religion or belief so far in 2022, plus one acquittal (see below).

- 11 fines in Quba;
- 4 fines in Agdash, plus one acquittal;
- 1 fine in Oquz;
- 1 fine in Zaqatala;
- 1 fine in Goychay (https://www.forum18.org/archive.php?article_id=2795);
- 1 fine in Baku (https://www.forum18.org/archive.php?article_id=2795).
- 1 fine in Sumgait (https://www.forum18.org/archive.php?article_id=2795).

The fines were equivalent to about two months' average wages for those in formal work. However, for people in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden (see below).

In one such case, on 7 October police Public Security Department officers and the local representative of the State Committee for Work with Religious Organisations raided Elnur Afandiyev's home in Quba. Officers seized religious books and took them away for inspection, and insisted that meeting for worship was illegal as it did not have state permission. They drew up records of an offence against Afandiyev and 10 other men under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies") (see below).

Elnur Agasiyev of the State Committee insisted to Forum 18 that the police had conducted what he called an "operation" and that he had participated in the raid on Afandiyev's home only as an "expert". "We didn't fine him," he told Forum 18 from Quba – despite Afandiyev and 10 others having been fined (see below).

Agasiyev defended the seizure of religious books, but insisted that the police had done so. "They have to check that there wasn't anything that shouldn't be there." On 10 October he told the Court that police would check the books by sending them to the State Committee's "Expert Analysis" Department (see below).

The Quba District Police duty officer claimed to Forum 18 that he had not heard of the raid on Afandiyev's home and the subsequent prosecutions. All 11 Muslims were fined about two months' average wages. Afandiyev and the other 10 men fined appealed against their punishments to Sumgait Appeal Court. However, Judges rejected all their appeals on 18 November and 21 November. All 11 Muslims are preparing an appeal to the European Court of Human Rights (ECtHR) in Strasbourg with the help of Baku lawyer

Asabali Mustafayev (see below).

The regime only allows Muslims to exercise their freedom of religion or belief under the control of the state-controlled Caucasian Muslim Board. All Islamic clergy appointments and firings have since March 2022 been decided by the State Committee for Work with Religious Organisations (see below).

One Imam – Sardar Babayev, a former prisoner of conscience – has since October 2021 been in pre-trial detention on what human rights defender Elshan Hasanov described as "clearly fabricated" treason charges. Exiled human rights defender Arif Yunus commented that Imam Babayev "is the last respected Shia theologian qualified to issue fatwas [religious rulings] who was not already in prison" (see below).

Only regime-appointed and controlled imams allowed

Although it is not specified in any published law, the regime only allows Muslims to exercise their freedom of religion or belief under the control of the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429). Muslims who want to pray with fellow Muslims have for many years had no other way to do so than to attend a state-controlled mosque. "Believers have no choice – all mosques are under state control," Kanan Rovshanoglu, a commentator on religious issues, told Forum 18 in June (https://www.forum18.org/archive.php?article_id=2749).

Religion Law amendments which came into force in March transferred the role of appointing, re-appointing every five years, and firing all Islamic clergy in Azerbaijan from the state-controlled Caucasian Muslim Board to the State Committee for Work with Religious Organisations (https://www.forum18.org/archive.php?article_id=2429).

On 22 April, the State Committee adopted Rules of Appointment, Attestation and Dismissal of Clergy in Places of Worship and Shrines of the Islamic Religion (https://www.forum18.org/archive.php?article_id=2749) for its new roles. The State Committee interviews and recruits all Islamic clergy, appointing them to a maximum five-year term of office. Every five years the State Committee then reviews all clergy and decides whether or not to reappoint them for another five years. The State Committee also decides whether to fire clergy at any time, including for violating the restrictive Religion Law.

In an early sign of the impact of the State Committee Rules, in early May the State Committee fired Imam Mirseymur Aliyev in Neftchala (https://www.forum18.org/archive.php?article_id=2749) for holding the end of Ramadan prayers on 3 May, not the regime-enforced date of 2 May.

Imams (such as Elnur Afandiyev in Quba – see below) who have been removed from office by the State Committee – like any other individual - face punishment if they try to exercise freedom of religion or belief by, for example, leading meetings for worship or teaching.

The regime has banned those who have received their religious education abroad from working as Imams (https://www.forum18.org/archive.php?article_id=2429). Criminal Code Article 168-1 – punishes "violation of the procedure for religious propaganda and religious ceremonies", including by conducting of Islamic rites by a citizen who has received their education abroad. Article 168-1.3.1 punishes those who commit such violations "repeatedly", with a prison term of between two and five years.

Only one Muslim – Imam Sardar Babayev – is known to have been prosecuted under this Article. He was jailed for three years from 2017 until his release in February 2020 (https://www.forum18.org/archive.php?article_id=2429). His lawyer has brought a case to the European Court of Human Rights (ECtHR) in Strasbourg over the 2017 prosecution. The ECtHR asked the regime questions about the case on 3 May 2022.

Babayev has since October 2021 been in pre-trial detention (https://www.forum18.org/archive.php?article_id=2750) on what human rights defender Elshan Hasanov described to Forum 18 as "clearly fabricated" treason charges. Exiled human rights defender Arif Yunus commented that Imam Babayev "is the last respected Shia theologian qualified to issue fatwas [religious rulings] who was not already in prison".

Quba: Raid on home Friday prayers

On 7 October 2022, police Public Security Department officers and the local representative of the State Committee for Work with Religious Organisations raided Elnur Afandiyev's home in the north-eastern town of Quba. He was leading Friday prayers attended by about 10 other men in his home.

The raid was led by the head of the police Public Security Department, Mahammad Rzayev. Elnur Agasiyev of the Quba Region Department of the State Committee for Work with Religious Organisations also participated in the raid. Officers seized religious books and took them away for inspection.

The 47-year-old Afandiyev had been the imam of Quba's Haji Jafar Mosque and later at the town's White Mosque, appointed by the state-controlled Caucasian Muslim Board (https://www.forum18.org/archive.php?article_id=2429). The Board removed him from office in 2021 after a scandal. As Afandiyev does not hold a post controlled by the state-controlled Caucasian Muslim Board, the only Muslim entity the regime allows to exist, any meeting for prayers he leads is illegal and punishable.

Officers insisted that the meeting for worship was illegal as it did not have state permission. They drew up records of an offence against Afandiyev and 10 other men of those present under Administrative Code Article 515.0.2 (https://www.forum18.org/archive.php?article_id=2429) ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

Agasiyev of the State Committee insisted to Forum 18 that the police had conducted what he called an "operation" and that he had participated in the raid on Afandiyev's home only as an "expert". "We didn't fine him," he told Forum 18 from Quba on 7 December – despite Afandiyev and 10 other having been fined (see below).

Agasiyev defended the seizure of religious books from Afandiyev, but insisted that the police had done so. "They have to check that there wasn't anything that shouldn't be there." On 10 October he told the Court that police would check the books by sending them to the State Committee's "Expert Analysis" Department (https://www.forum18.org/archive.php?article_id=2429) (see below).

The duty officer at Quba District Police claimed to Forum 18 on 7 December that he had not heard of the raid on Afandiyev's home and the subsequent prosecutions.

Quba: Eleven fined for "illegal" meeting for worship

The cases against all 11 Muslims – including Elnur Afandiyev - were handed to Quba District Court. Various Judges tried all 11 men in separate hearings on 10 October, finding all guilty under Administrative Code Article 515.0.2 (https://www.forum18.org/archive.php?article_id=2429) ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). The Judges punished each one with the minimum fine of 1,500 Manats, according to the decisions seen by Forum 18.

Each fine of 1,500 Manats represents about two months' average wage for those in formal work. However, for people in rural areas, those without a formal job, or pensioners, such fines represent a far heavier financial burden.

At his 10 October hearing under Judge Rahim Hasanov, Afandiyev rejected the charges and called for the case to be closed, saying that he worked as an imam for 23 years.

"There were no radical-religious people around me," Qaynarinfo.az website on 15 October quoted Afandiyev as telling the court. "We performed Friday prayers together with my acquaintances and relatives in the house where I live, and we did not organise any illegal religious ceremonies."

Afandiyev told the Court that he had not invited people to his home, and that they had chosen to visit him and seek his advice. "Since it was the time of prayer at that time, we decided to pray together. I did not have any conversation with them about the spread or propagation of any religion. Those persons were at my home. No public order rules were violated."

Agasiyev of the State Committee for Work with Religious Organisations told the court that the police took away copies of religious books printed after 2013. The police would send them to the State Committee's "Expert Analysis" Department (https://www.forum18.org/archive.php?article_id=2429).

Agasiyev insisted that the fact that the former imam and other persons met and worshipped together violated the newly added June 2021 Religion Law Article 6-1.1 (https://www.forum18.org/archive.php?article_id=2666). This states: "Mass religious worship, rites and ceremonies (with the exception of burial, mourning, iftar, marriage, birth and commemoration ceremonies) are held in places of religious worship and sanctuaries."

Agasiyev of the State Committee refused to discuss with Forum 18 on 7 December why Afandiyev and 10 others had been punished for meeting for worship in a private home.

Afandiyev and the other 10 men fined appealed against their punishments to Sumgait Appeal Court. However, Judge Mahammadali Rzayev rejected Afandiyev's appeal on 21 November, according to the decision seen by Forum 18. Judges rejected two of the other appeals on 18 November and the other eight on 21 November, according to the decisions seen by Forum 18.

The Baku-based lawyer Asabali Mustafayev is now helping the 11 men prepare a case to the European Court of Human Rights (ECtHR) in Strasbourg, he told Forum 18 from Baku on 8 December.

Oguz: One fine, another case returned

On 1 August, police and an official of the office in Sheki of the State Committee for Work with Religious Organisations raided the home of a resident of the town of Oguz in northern Azerbaijan, Elnur Aliyev, where several people had met for a Muslim meeting for worship. Officers searched his home.

The head of the Sheki office of the State Committee for Work with Religious Organisations (https://www.forum18.org/archive.php?article_id=2429), Taleh Abdullayev, drew up a record of an offence against Aliyev under Administrative Code Article 515.0.2 (https://www.forum18.org/archive.php?article_id=2429) ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

The case was handed to Oguz District Court. On 1 September, Judge Kamran Suleymanov found Aliyev guilty and fined him the minimum fine of 1,500 Manats (about two months' average wage), according to the decision seen by Forum 18.

The Baku-based lawyer Asabali Mustafayev helped Aliyev prepare his appeal to Sheki Appeal Court. However, at a hearing on 29 September, the court left the punishment unchanged, Mustafayev told Forum 18 from Baku on 8 December.

Mustafayev is now helping Aliyev prepare a case to the European Court of Human Rights (ECtHR) in Strasbourg.

Abdullayev, head of the Sheki branch of the State Committee refused to discuss Aliyev's case with Forum 18 on 7 December.

Earlier, another Sheki State Committee official late one evening drew up a record of an offence against another Oguz resident under Administrative Code Article 515.0.2 (https://www.forum18.org/archive.php?article_id=2429) ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

The case was then sent to Oguz District Court. However, on 8 August, Judge Kamran Suleymanov sent the case back to the State Committee office in Sheki as the record of an offence had not been completed with all the necessary information, according to the decision seen by Forum 18.

Agdash: Four fines and an acquittal

Five prosecutions under Administrative Code Article 515.0.2 (https://www.forum18.org/archive.php?article_id=2429) ("Violating legislation on holding religious meetings, marches, and other religious ceremonies") are known to have been brought in 2022 in the central Agdash District. Four were brought by the police and one by the head of the Yevlakh-based Regional Department of the State Committee. Four of the five ended in fines of two months' average wage. The fifth case ended with an acquittal.

In the first known case, on the evening of 20 May, Police raided the home in Agdash of a 45-year-old resident where 20 people had met for a religious meeting. Four of them were Pakistani citizens and the rest were local people. Police filmed the attendees. Police drew up a record of an offence under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

On 6 June, Judge Nizam Aliyev of Agdash District Court found the Agdash resident guilty and handed down a fine of 1,600 Manats (about two months' average wages), according to the decision seen by Forum 18. On 27 July, Judge Akif Evyazov of Sheki Appeal Court rejected the appeal.

In the second known case, Police raided the Halal family recreation centre owned by a 50-year-old resident of the village of Dahnakhhalil during an evening meeting for worship involving 22 people. Officers took all those present to the police station in Agdash. Police drew up a record of an offence under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

On 28 June, Judge Javid Sultanov of Agdash District Court found the Dahnakhhalil resident guilty and handed down the minimum fine of 1,500 Manats (about two months' average wages), according to the decision seen by Forum 18.

In the third known case, on Friday 10 June, Natiq Afandiyev, head of the Yevlakh-based Regional Department of the State Committee, raided a home in the village of Abad where "it was known that religious rites and ceremonies were organised in a house built in the yard owned by the individual". About 25 people were present, including five children. Afandiyev drew up a record of an offence under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

On 1 July, the home-owner told Agdash District Court that they did not know that meeting in a private home for worship without state permission was illegal. Judge Famil Nasibov found the Abad resident guilty and handed down the minimum fine of 1,500 Manats (about two months' average wages), according to the decision seen by Forum 18.

In the fourth known case, Police raided the home of a 42-year-old resident of the village of Dahnakhhalil during a meeting for

worship involving 22 people. The home owner said that the meeting was to celebrate their child's start of school. Officers took all those present to the police station in Agdash. Police drew up a record of an offence under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

On 15 September, Judge Javid Sultanov of Agdash District Court found the Dahnakhilil resident guilty and handed down the minimum fine of 1,500 Manats (about two months' average wages), according to the decision seen by Forum 18. On 10 November, Judge Akif Evyazov of Sheki Appeal Court rejected the appeal.

The fifth known case, however, led to an acquittal. On the evening of 10 October, Police raided a cafe in Agdash rented by a 37-year-old resident where seven people had met. Officers claimed they were holding a religious meeting, though those present denied that. Police drew up a record of an offence under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies").

On 19 October at Agdash District Court, those who had been present testified that they had not come to the cafe for a religious meeting. Judge Nizam Aliyev then closed the case, according to the decision seen by Forum 18.

Zaqatala: Fined for Friday prayers at home

Police drew up a record of an offence on 14 January against a 37-year-old resident of the town of Goyam in the northern Zaqatala District over Friday prayers held at home on 22 October 2021. More than 15 others were present. Police decided not to bring a criminal case and instead brought an administrative case. They handed the case to Zaqatala District Court.

On 10 February 2022, Judge Tural Hasanov found the local resident guilty under Administrative Code Article 515.0.2 (https://www.forum18.org/archive.php?article_id=2429) ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). Judge Hasanov handed down the minimum fine of 1,500 Manats (about two months' average wages), according to the decision seen by Forum 18. (END)

More reports on freedom of thought, conscience and belief in Azerbaijan (<https://www.forum18.org/archive.php?country=23>)

For background information, see Forum 18's Azerbaijan religious freedom survey (https://www.forum18.org/archive.php?article_id=2429)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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