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Islam-Ittihad Association and Others v. Azerbaijan: Freedom of association and freedom of religion

HRWF* (09.12.2014) - On 13 November 2014, the European Court of Human Rights ruled in *Islam-Ittihad Association and others v Azerbaijan* (No. 5548/05) that the dissolution by the State of the Islam-Ittihad Association violated the right to freedom of association under Article 11 of the European Convention on Human Rights (ECHR). The Court ruled that although three warnings were issued by the Ministry of Justice to the Association ahead of its dissolution to cease its "religious activities", no clear definition was provided either in the warning or in the domestic law to explain what these activities were. The Court also stated that it was "struck by the fact that the domestic courts, instead of giving an interpretation of the term 'religious activity [...], imposed the burden

of proof on the Association, holding that it had failed to submit any reliable evidence proving that it had not engaged in any such activity."

The case originated in an application lodged on 17 January 2005 against Azerbaijan by the Islam-Ittihad Association, the headquarters of which are in Baku, and two Azerbaijani nationals, Mr Azer Samadov and Mr Ilgar Allahverdiyev.

Objectives and Activities of the Association

Islam-Ittihad Association was active between 1991 and 2003. Mr Azer Samadov was Chairman of the Association, and Mr Ilgar Allahverdiyev was a member of its management board.

The Association was registered by the Ministry of Justice on 12 January 1995 and acquired the status of a legal entity.

Clause 1.1 of the Association's Charter defined it as an association with voluntary membership of citizens of Azerbaijan.

According to clause 2 of its Charter, the main aims of the Association included the repair and maintenance of abandoned mosques and other places of worship, organising pilgrimages to Islamic shrines, providing material and moral aid to orphanages as well as elderly, ill and disabled people, and publishing books with a religious content.

The Association's actual activities included the repair and maintenance of several mosques and projects aimed at promoting respect for human rights and building a civil society. The Association also engaged in a number of humanitarian activities, such as assistance to disabled children, campaigning against drugs and alcoholism, and a programme dedicated to promoting tolerance between representatives of different religions in Azerbaijan.

At the general assembly held on 8 August 1997 the members discussed the Association's annual activity and decided to assist financially orphaned children and economically disadvantaged sections of the population and to raise awareness about the historical and religious values in the society.

At the next general assembly on 4 January 1998, the members decided to repair the Juma mosque in Baku and to participate actively in the process of building a civil society in the country by raising this issue in the media. They further decided to inform the public about the unlawfulness of the existing monopoly in organising pilgrimages to Islamic shrines. It was also decided to provide pilgrims with relevant information about the organisation of their visits.

On 29 December 2001 the Association held another general assembly at which the members adopted the Association's annual activity report and decided, *inter alia*, to hold a conference on Prophet Muhammad on the occasion of his birthday and to prepare for the forthcoming seminar on the dialogue between civilizations, which would be held in Baku. They also agreed on the necessity to write articles in the media about subjects relating to existentialism and humanism.

Towards the Dissolution

On several occasions, the Ministry of Justice sent warnings to the Association claiming that its primary activities involved religious propaganda and agitation. The Ministry noted that, in accordance with the Law on Non-Governmental Organisations (Public Associations and Funds) public associations were not allowed to engage in religious activities.

On 3 August 2002 the Association replied to the Ministry, claiming that it had carried out numerous social programmes providing assistance to the population, as well as activities related to the establishment of a civil society and the promotion of human rights. The Association denied any involvement in religious activities, noting that the Ministry had failed to specify which of the Association's activities was qualified as "religious activity". Moreover, the Association pointed out that Azerbaijani legislation did not provide any precise definition of what constituted a "religious activity".

On 2 July 2003 the Ministry lodged an action with the Sabail District Court. It claimed that the Association unlawfully engaged in religious activities and requested the court to order its dissolution. In support of its claim, the Ministry noted that the fact that the questions relating to pilgrimages to holy shrines and the activity of the Caucasus Muslims Board (*Qafqaz Müsəlmanlar İdarəsi*, the official governing body of Muslim religious organisations in Azerbaijan) had been discussed at the Association's general assembly proved that the Association had been engaging in religious activities. On 28 August 2003 the Sabail District Court ordered the Association's dissolution. The court found that the Association had unlawfully engaged in religious activities and, despite three warnings by the Ministry, had failed to take any measures to cease such activities.

Decision of the European Court

The European Court unanimously held that there had been a violation of Article 11 (freedom of association) of the Convention and that the Republic of Azerbaijan was to pay the applicants EUR 4,000 for non-pecuniary damage and EUR 2,000 (two thousand euros) for costs and expenses.

(*) This article has been written on the basis of the judgment of the European Court the full text of which is available at <http://www.strasbourgconsortium.org/common/document.view.php?docId=6925>

The Greater Grace Church deprived of the use of the Lutheran Church in Baku

By Willy Fautré, *Human Rights Without Frontiers Int'l*

HRWF (08.12.2014) - The Protestant congregation "Greater Grace Church" will not be able any more to use the Lutheran Church of the Saviour in Baku for its religious services as the Ministry of Culture decided in October that only registered religious communities could rent it for worshipping activities. The building is currently rent in separate slots on Sunday from the Ministry of Culture by Baku's Lutheran Community and New Life Pentecostal Church, both of which have gained state registration.

The Greater Grace Protestant Church

The Greater Grace Church gained registration from the Justice Ministry in 1993 but chose not to re-register once the State Committee for Work with Religious Associations (SCWRA) was established and put in charge of registering religious communities. The State Committee lodged a liquidation suit in December 2011 for failing to gain re-registration with it on the basis of the 2009 new Law on Religion. In April 2012, Baku's Administrative Economic Court No. 1 upheld the State Committee's suit. The Appeal Court rejected the Church's appeal in July 2012. In January 2013, the church lost its final appeal against the stripping of legal status at the Supreme Court.

The Lutheran Church of the Saviour

In 1885, the Baku city council issued a resolution to allot the Lutheran community a plot of land for building a church. The first general census of the population of the Russian Empire of 1897 revealed that there were 3430 Germans in the province of Baku, including 2460 in the city itself.

In 1920, Azerbaijan was occupied by the Soviet Army and became afterwards a Soviet republic. The new authorities started taking harsh measures. By 1937, the Lutheran churches in Baku and in the German settlements had all been closed. Pastors were accused of so-called anti-Soviet activities as well as having connections with and receiving help from Germany. According to the archives of the NKVD (1), seven Lutheran pastors were arrested for espionage during the 1936-1938 period. Before the start of WW II, all the Lutheran parishes had been left without any pastor. The church was separated from the state and from schools and religious classes were abolished in German schools. Anti-religious propaganda was carried out by numerous Soviet organizations. The Lutheran community in Baku ceased to exist in 1936 but the church was not destroyed. Parishioners think it was spared because of its beautiful organ and it could be used as a concert hall. The German colonists had no other choice than to perform their religious rites and to provide religious education in their own homes.

In 1941, Germany started invading the Soviet Union and from 15th to 20th October, the German population of Azerbaijan was deported to Kazakhstan as part of a wider wave or "resettlement" of Germans living in the USSR. They were not rehabilitated until 1989. After the collapse of the Soviet Union, most Soviet Germans immigrated to Germany. Only a few families returned to Azerbaijan.

The church which was confiscated by the Soviet regime in the 1930s remained state property after independence and is now a Philharmonic Center belonging to the Ministry of Culture (2).

In November 1994, an initiative by a German woman to teach languages in Baku led to the revival of the Lutheran community. There were then about 80 members. Four years later, their number rose to 160 (120 adults and 40 children). The attendance of Sunday's religious services is about 30-40 people, mainly women.

The building is rented to the Lutheran congregation (3) according to their needs for the duration of their religious activities. This small community could not afford to be the owner of this big historic building and to maintain it in good condition. In 2001, President Heydar Aliyev signed a decree allocating 1 million manats (1 million EUR) to the renovation of the church.

The Lutheran community in Baku has first been served by pastors from Germany staying for three to six weeks in the country. The last one left in 2008 after serving the community for ten months. Afterwards, Azerbaijani pastors took over. The congregation is affiliated to the Evangelical Lutheran Church of South Caucasus, the seat of which is in Tbilisi (Georgia).

The current pastor, Ismayilova Manzar, is from a Muslim family. She works as a social worker and has been a part-time religious minister paid by the community for three years. She became Christian while she was living in Moscow. She studied at the Lutheran Seminary of St Petersburg. Her change of religion did not pose any problem in her family, she told Human Rights Without Frontiers Int'l.

The Evangelical Lutheran Church of Baku was registered by the State in 2010 after a solution was found to harmonize the internal rules of the Church with the 2009 Law on Freedom of Religious Beliefs. The community is run by a council of five members, mainly women, elected every four years.

History of the Lutheran Church in Azerbaijan

The establishment of the Lutheran Church on the territory of present-day Azerbaijan is closely linked to the migration of German settlers invited to Russia by Catherine II at the end of the 18th century. In the early 1800s, the Southern Caucasus, including Northern Azerbaijan, was conquered by the Russian Empire and German colonists continued to settle in this region throughout the 19th century. Around 1819, the tsarist authorities moved about a thousand of them to Helenendorf and Annenfeld (currently Khanlar and Shamkir). The colonists of the first migration wave were engaged in various agricultural activities: livestock breeding, crop farming, horticulture, wine-growing and viticulture and so on. At the end of the 19th and beginning of the 20th century, the oil and industrial boom attracted many foreigners in Baku, including a second wave of German businessmen, industrialists, engineers, architects, physicians, scientists, teachers, etc.

The Lutheran community consisted primarily of German peasants living in eight rural colonies in the north, educated immigrants in Baku and other cities but also Swedes. Religion occupied an integral part of the colonists' life. All the German migrants who went to the Russian Empire were granted freedom of religion and the possibility to build churches. They were able to invite pastors and clergymen to serve their community. A prayer house was built in Helenendorf as early as the 1820s and a parsonage in 1834. The first stone of the church of Helenendorf was laid in 1854 and the consecration of the place of worship took place three years later. The Lutheran Church in Annenfeld was built in 1909. The colonists were rigorous in their religious observances, including regular church attendance. They had their own schools and religion was one of the mandatory subjects.

- (1) NKVD: People's Commissariat for Internal Affairs, the police of the Communist Party.
- (2) See picture at :
<https://www.google.be/search?q=Picture+Lutheran+Church+in+Baku&tbm=isch&tbo=u&source=univ&sa=X&ei=FJHUuD4O43xhQev84CoCQ&ved=0CEQQsAQ&biw=1518&bih=748&dpr=1>
- (3) 40 manats per religious service (40 EUR), female pastor Ismayilova Manzar told Human Rights Without Frontiers Int'l in 2013.

Azerbaijani suspected of mosque arson allegedly fought with Kurds against IS

An Azerbaijani national arrested on December 1 on suspicion of attempting to set fire to a Baku mosque is alleged to have fought with a Kurdish militia against the Islamic State (IS) extremist group in the Syrian town of Kobani.

The suspect, named as Namig Nasibov, was arrested together with another man, Elnur Alakbarov.

According to [Azerbaijani news reports](#), Nasibov fought in Syria in August and September with the "terrorist PKK (Kurdistan Workers Party)."

Other reports described Nasibov, and his accomplices, as "terrorists," describing how he allegedly used social networks to call for rallies in Baku and were plotting to intimidate

Sunni Muslims by carrying out terrorist attacks. [The reports allege](#) that on November 26, Nasibov and an accomplice threw firebombs at a mosque in Garachukhur, Baku.

That the Azerbaijani media says Nasibov was with the "terrorist PKK" is indicative of the long and complicated history between Baku and the Kurdish PKK.

In the first place, if Nasibov was fighting with Kurdish militias in Kobani, he could not have been with the PKK, a Turkish organization, at all. Instead, he would have fought with the People's Protection Units (YPG), the armed wing of the PKK's Syrian Kurdish affiliate, the Democratic Union Party (PYD). Do the Azerbaijani reports refer to the PKK as a convenient (but hardly necessary) shorthand, or are they highlighting what they believe is a threat from the PKK?

Azerbaijan officially designated the PKK a terrorist organization in July 2011. This move occurred during an official visit to Azerbaijan by then-Turkish Prime Minister Recep Tayyip Erdogan. [During that visit](#), Azerbaijani President Ilham Aliyev said that Baku "is always next to Turkey and its people in fighting this evil."

As RFE/RL [reported in 2013](#), in the early 2000s there were frequent unsubstantiated allegations of links between the leadership in Baku and the PKK, including claims that PKK members or even training camps were present in Azerbaijan. In 2003, Erdogan expressed concern that PKK members were operating in Azerbaijan, under the guise of cultural programs.

Some of the Azerbaijani news reports alleged that after his return from Syria, Nasibov had founded an illegal Azerbaijani branch of the PKK, the Yekbun, which "started to be active and recruit supporters," according to the 1news.az website.

The reports also indicate that Azerbaijani nationals are fighting on both sides in Kobani. Previously, [evidence has emerged](#) that Azerbaijani nationals are fighting with IS militants in or near the besieged Syrian town. Azerbaijanis [are also fighting](#) with IS elsewhere in Syria and also in Iraq. Azerbaijan [has also arrested](#) several nationals for allegedly joining IS in Syria.

If the allegations that Nasibov was fighting in Syria are true, it could indicate that more Azerbaijanis are fighting with Kurdish militias in Syria against IS. While Nasibov's ethnic identity is not known, it is possible that such fighters could come from Azerbaijan's Kurdish community. [Azerbaijan's Kurdish community](#) in 2011 was estimated at around 70,000, or less than 1 percent of the total population. However, [most Azeri Kurds reportedly](#) no longer consider themselves Kurdish. The Kurdish stand against IS in Syria and Iraq could reinvigorate a sense of Kurdish identity elsewhere, including in Azerbaijan.

Seminar to counter religious extremism

Contact AZ (25.08.2014)

<http://contact.az/docs/2014/Social/082500088229en.htm#.VAVysT8cSUm> - Training seminar devoted to countering religious extremism took place in the region of Lankaran. The event was organized by the State Committee for Work with Religious Organizations, and is conducted in one of the "sensitive" areas of the country.

The participants of the event, which included religious and community leaders, stressed the need of propaganda among young people, and protect the younger generation from the harmful effects. In this sense, a specific role is given to religious leaders.

In particular, it is important to strengthen measures to prevent the recurrence of Middle Eastern events in Azerbaijan, reads the press release the State Committee for Work with Religious Organizations.

Four months' extra prison term because "they gave him too little"

Forum18 (14.08.2014) – <http://www.forum18.org> - Imprisoned Islamic preacher and theologian Taleh Bagirov was given an extra four months' imprisonment at a new trial in Baku. He "categorically denied" in court the charge of possessing an illegal mobile phone in his cell, his lawyer Javad Javadov told Forum 18 News Service. He insists that the phone was planted. Judge Suleyman Agayev claimed to Forum 18 that Bagirov had "half admitted" the accusation. Bagirov is already serving a two-year strict regime sentence on drugs charges which his supporters insist were similarly fabricated. Baku Old City officials confirmed to Forum 18 that the Lezgin Mosque – one of very few remaining specifically Sunni mosques in Azerbaijan – is to be closed for renovation. They refused to say if the Mosque will be returned to the same community after renovation. Also, increased Criminal Code punishments for exercising freedom of religion or belief are planned. Maximum prison terms under Article 168 – for which three Muslims are under investigation in NSM secret police detention – seem set to more than double to eight years.

In addition to the two-year prison term Islamic preacher and theologian Taleh Bagirov is already serving on what his supporters insist were fabricated charges, a court in Azerbaijan's capital Baku yesterday (13 August) sentenced him to an extra four months' imprisonment. "The authorities decided that they gave him too little originally," Bagirov's lawyer Javad Javadov told Forum 18 News Service from Baku after the sentence was handed down. He insists that, like the earlier sentence on drugs charges, this case too was fabricated. The Judge declined to comment to Forum 18 on suggestions the case was fabricated.

Bagirov (also known as Bagirzade) – who marked his 30th birthday in prison on 23 June – had led prayers at the Hazrat Abulfaz Aga Mosque in the village of Mastaga on the Absheron peninsula near Baku. His supporters say the authorities were unhappy at his preaching against the Caucasian Muslim Board and state officials.

Bagirov was arrested with his driver, Anar Melikov, in March 2013. Melikov was given a 19-month prison term in August 2013 for alleged possession of a gun and bullets, an accusation he denied. Bagirov 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.

Bagirov's extra prison term comes as Baku Old City officials confirm that the Lezgin Mosque – one of very few remaining specifically Sunni mosques in Azerbaijan – is to be closed for renovation. Officials said it was not their responsibility which religious community it might be handed to after renovation is complete (see below).

Harsher punishments for exercising freedom of religion or belief are also planned under proposed amendments to the Criminal Code (see below).

Did Bagirov have illegal mobile phone?

Prison guards at Kurdakhani Investigation Prison in Baku's Sabunchu District, where Bagirov has been held, claim they found a mobile telephone, a phone charger and a phone sim card hidden in his cell, the Prison Service announced on its website on 30 December 2013. Prisoners are forbidden from having phones. A criminal case was prepared under Criminal Code Article 317-2.1. This punishes prisoners who have forbidden items with a fine or imprisonment of six further months.

Bagirov's new trial began under Judge Suleyman Agayev at Sabunchu District Court on 17 July 2014, with further hearings on 24 July, 6 and 13 August. At the 13 August hearing, Judge Agayev found Bagirov guilty and handed down the extra four months' imprisonment.

Judge Agayev told Forum 18 from the court on 14 August that he has already completed the written verdict and would be issuing it to Bagirov's lawyer the same day.

Fabricated case?

Bagirov "categorically denied" in court that he had possessed the mobile phone as the prosecution maintained, his lawyer Javadov told Forum 18. By contrast, Judge Agayev claimed that Bagirov had "half admitted" the charge, admitting he had used the mobile phone while in prison. "All this will be in the written verdict," he insisted.

Bagirov's lawyer Javadov insists the authorities used the claims of illegal possession of a mobile phone simply as an excuse to increase Bagirov's term in prison. "This is the method they chose to use," he told Forum 18.

"The mobile phone was planted," Javadov added. "Taleh is under intense scrutiny in prison and couldn't have a mobile phone." He said Bagirov had no need of a mobile phone anyway, as there is a phone in prison which he has access to twice a week.

Judge Agayev adamantly refused to comment on defence suggestions that the extra criminal case had been fabricated as an excuse to extend Bagirov's term of imprisonment.

Prison transfer expected

Bagirov is still held in Kurdakhani Investigation Prison, Javadov told Forum 18. He was brought to the court hearings from the prison. Now this new trial is over, Bagirov is now expected to be sent to serve the rest of his sentence in Labour Camp No. 12 in the village of Puta, along the coast to the south-west of Baku.

Bagirov is not facing problems praying or having religious literature in prison at the moment, Javadov told Forum 18.

Sunni mosque closure confirmed

Meanwhile, Baku's Icherisheher (Old City) State Historical-Architectural Reserve has confirmed that the historic Lezgin Mosque (also known as the Ashur Mosque) is to be closed for full renovation. The works – which will be conducted by the Reserve – "were due to start already", spokesperson Narmin Azadgil told Forum 18 from Baku on 13

August.

Azadgil failed to say when the works at the Sunni Mosque will actually start or to estimate when they are likely to be completed. "It is almost always impossible to state any precise dates/period of conservation/restoration projects without analysing the results of relevant scientific researches," she told Forum 18.

The Lezgin Mosque community leader, Faiq Mustafa, expressed great concern to Forum 18 that the renovation had been decided without the community's involvement. He fears that the community will not be given any alternative venue during the renovation and that the mosque building will not be returned to the same community after the renovation is complete. He points out that the authorities have used various excuses to close Sunni Muslim mosques.

Azadgil of the Reserve refuse to say whether the mosque will be returned to the same community after renovation. "The answer to this question is beyond the responsibilities of our Administration," she claimed. "The registration of religious communities, their activity and allocation is regulated by other relevant authorities (State Committee for Work with Religious Organisations, Caucasian Muslim Board). We are only responsible for protection of historical monuments within the Old City of Baku."

Mustafa of the Mosque community had expressed surprise at suddenly being told of the imminent closure for renovation at a meeting in mid-July. The Reserve has not confirmed anything in writing, to his dissatisfaction.

However, Azadgil claimed that renovation of the Lezgin Mosque had been specified in the Conservation Master Plan approved by a prime ministerial decree in 2010. A follow-up plan submitted to the Cabinet of Ministers later that year included a plan to restore the Mosque in 2012-4, she claimed. Forum 18 asked for a copy of this plan, but is so far yet to receive it. "In 2013, the Scientific Restoration Atelier examined the mosque building and identified the main problematic issues to be addressed during the restoration process. Following this the restoration project has been developed."

While Mustafa of the Mosque community told Forum 18 that he sees no need for the full renovation the Reserve intends to undertake, at least on the interior, Azadgil insists that it is necessary. "A big problem exists with underground water, which became the reason for damage of the neighbouring building (now being regenerated)," she told Forum 18. "This must also be solved in order to prevent collapse of the mosque."

Azadgil refused to explain why the Reserve has given the Mosque no information about the impending closure in writing as the Mosque is demanding.

Harsher criminal punishments planned

Proposed amendments to two Articles of the Criminal Code to increase punishments for the "illegal" exercise of freedom of religion or belief are due to be considered in Parliament, the Milli Mejlis, in the autumn, the Azeri Press Agency (APA) stated on 11 August citing unnamed Milli Mejlis officials.

Azerbaijan has repeatedly increased both administrative and criminal punishments for those exercising the right to freedom of religion or belief (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Forum 18 was unable to find out which government agency had initiated the new proposed Criminal Code amendments or why. No one answered the phones on 14 August at the Milli Mejlis Legal Policy and State Building Committee, or the press office. The Milli

Mejlis switchboard operator told Forum 18 that very few officials are at work during the summer recess. She said parliament will not resume its work before 15 September.

Opposition member of parliament Fazil Gazanfaroglu Mustafaev of the Great Formation Party told Forum 18 on 14 August that deputies had been given no information about these proposed amendments before the Milli Mejlis broke for its summer recess.

The proposed amendments – if adopted - would increase punishments under Criminal Code Article 167-1 and Article 168, according to APA.

Article 167-1.1 punishes forcing individuals, including children, to take part in religious activity or religious education. Article 167-1.2 punishes forcing individuals to be members of a religious community or preventing them from leaving. Punishments are fines or imprisonment.

Article 167-1 was introduced into the Criminal Code in May 2009. Further amendments to the Article were signed into law in December 2011. Although they left terms of imprisonment unchanged, they dramatically increased fines .

Punishments under Article 167-1.1 would rise to a maximum term of imprisonment of six years (it is two years currently) or a fine of 5,000 to 10,000 Manats (the fine is currently 3,000 to 5,000 Manats). (Each 1,000 Manats is currently equivalent to 8,300 Norwegian Kroner, 950 Euros or 1,275 US Dollars.)

Punishments under Article 167-1.2 would rise to a maximum term of imprisonment of five years (it is two years currently) or a fine of 5,000 to 10,000 Manats (the fine is currently 3,000 to 5,000 Manats).

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 at present of three years' imprisonment.

Punishments under Article 168 would rise to a maximum term of imprisonment of eight years or a fine of 10,000 to 15,000 Manats (the fine is currently 7,000 to 9,000 Manats).

The National Security Ministry (NSM) secret police are currently investigating three Baku Muslims - Eldeniz Hajiyev, Ismayil Mammadov and Revan Farzaliyev – under Criminal Code Article 168.2.

Hajiyev and Mammadov were arrested in April, when NSM secret police and ordinary police raided a meeting where Muslims were studying their faith with the help of the writings of the late Turkish Muslim theologian Said Nursi. Farzaliyev was arrested in May. All are being held by the NSM secret police and all had their pre-trial detention extended by a further two months in early August.

"They don't want a Sunni mosque in the Old City"

Forum 18 (11.08.2014) – <http://www.forum18.org> - Samir Nuriyev, director of Baku's Icherisheher (Old City) State Historical-Architectural Reserve, summoned the leader of

the Lezgin Mosque community in mid-July and told him verbally that it must voluntarily leave the building in advance of full renovation, community leader Faiq Mustafa and Reserve official Emil Huseynli separately told Forum 18 News Service. Mustafa fears this might be an attempt to oust the community, in line with earlier moves against other Sunni communities. Reserve spokesperson Narmin Azadgil has not responded to Forum 18's questions on why no document on the proposed renovation has been given to the community and whether the community will be able to resume use of its Mosque once any renovation is complete. Despite the consistent closures of specifically Sunni mosques, Sarkhan Halilov of Azerbaijan's State Committee for Work with Religious Organisations insisted that the government "has nothing against Sunni mosques". But he admitted to Forum 18 that Baku's (Sunni) Martyrs' Mosque – closed by the state in 2009 – will never be reopened.

The head of the mosque community at one of the last remaining Sunni Muslim mosques in Azerbaijan's capital Baku fears that the proposed full renovation of the historic Lezgin Mosque in the Old City might be used as an excuse to close it down or oust the community. "This attempt is just a new method to achieve the same goal," Faiq Mustafa told Forum 18 News Service from Baku on 9 August. "They don't want a Sunni mosque in the Old City."

Mustafa fears that after any closure for renovation, the authorities could turn the Mosque into a museum or, if they do reopen it as a mosque, they could create a new Shia community and hand the Mosque to them instead. "Then where would we worship?" Mustafa asked.

The Lezgin Mosque (also known as the Ashur Mosque) has been under a police blockade during Friday prayers each week since early May, restricting the number of worshippers who can enter. One police officer also tried to pressure the community to close the Mosque each evening at 8 pm.

An official at the Administration of the Icherisheher (Old City) State Historical-Architectural Reserve, Emil Huseynli, confirmed to Forum 18 that he had been present at a meeting in mid-July when the Director Samir Nuriyev informed mosque community leader Mustafa verbally of the planned renovation. But neither Huseynli nor other officials there would say if the Lezgin Mosque is to be permanently closed or handed to a different community after any renovation.

Azerbaijan has a record of forcibly closing mosques and other places of worship, as well as in other ways restricting people's ability to meet to exercise freedom of religion or belief. This includes an August 2008 "temporary" ban on praying outside all mosques, which appears to be still in force.

State restrictions continue

The possible closure – temporary or permanent – of Baku's Lezgin Mosque comes amid continuing state restrictions on individuals and communities exercising their right to freedom of religion or belief.

State censorship of all religious literature and other materials produced in Azerbaijan or imported continues. Texts such as the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are banned. It has taken the Baptist Union more than seven months to gain the required state approval to print 3,000 copies of the New Testament in Azeri (see below).

In early August, a Baku court extended for a further two months the detention in National Security Ministry (NSM) secret police custody of three Muslim prisoners of

conscience. Eldeniz Hajiyev, Ismayil Mammadov and Revan Farzaliyev face up to three years' imprisonment for participating in a meeting which was raided by armed police and the NSM secret police. The men had met with other Muslims to discuss their faith with the help of the writings of Islamic theologian Said Nursi. In July an appeal court rejected the appeal of Jehovah's Witness conscientious objector Kamran Shikhaliyev against a one-year sentence in a military disciplinary unit. Raids on religious meetings and administrative fines continue.

Verbal, not written notice

Old City Reserve Director Nuriyev summoned Lezgin Mosque community leader Mustafa for a meeting in mid-July. Huseynli and another official Forum 18 has been unable to identify were also present. Nuriyev told Mustafa verbally that the Lezgin community is being requested to leave the mosque voluntarily as it is among a number of Old City buildings scheduled for full renovation, Mustafa and Huseynli separately confirmed to Forum 18.

Curiously, the Reserve's January 2014 report to the United Nations Educational, Scientific and Cultural Organization (UNESCO), which recognised the Old City's status as a World Heritage Site in 2000, identifies the only Old City Mosque scheduled for conservation work in 2014 as the 19th century Beylar Mosque.

"I asked them [the Reserve] to provide an alternative mosque for us to use before any repairs go ahead and for a commitment that the community will be able to return to the current Mosque as soon as any repairs are complete," Mustafa of the Lezgin Mosque community told Forum 18. "Nuriyev refused." Mustafa also asked Nuriyev to document in writing when the proposed repairs are planned to begin and end.

"I told them the building is our property to use and we have all the documentation to prove that it was assigned to us," Mustafa noted. "I also told them we reject any repairs to the interior, as we believe it does not need renovation – we have kept it in good repair at our own expense. Nuriyev rejected this."

Nuriyev of the Reserve's opinion on the Mosque's state of repair is contradicted by a 2008 report by Arthur H. Chen of Minnesota University, published by UNESCO with a Foreword by the Reserve. It describes the Ashur or Lezgin Mosque's state of conservation as "good", noting that "the building is in use as a mosque and is clearly cared for".

Mustafa of the Lezgin Mosque told Forum 18 on 9 August that no document about the proposed repair has arrived from the Old City Reserve. "When we get it, we will go to the State Committee for Work with Religious Organisations, the Caucasian Muslim Board and the courts to protect our rights," Mustafa insisted. He repeated that the mosque community does not believe the Mosque needs renovation.

Huseynli of the Reserve struggled to explain why the proposals outlined by Director Nuriyev in mid-July have still not been sent to the community in writing. "Perhaps the process has not yet fully started," he told Forum 18 from Baku on 11 August. He denied that the mosque community is being targeted because it is Sunni, claiming that he had "not heard" of the enforced closure of other Sunni mosques in Baku (see below).

Unanswered questions

Huseynli had earlier refused to answer Forum 18's questions, referring it to Old City Reserve spokesperson Narmin Azadgil. She refused to answer any questions by phone on 6 August, insisting that Forum 18 send questions in writing.

Forum 18 asked that day in writing: If the Reserve is planning the renovation of the Mosque building; if so, when the renovation is planned to start; who decided that the renovation is needed; if the renovation is planned to be of the exterior, interior or both; if the Reserve has informed the mosque community of the proposed renovation in writing (and if so, for a copy of the letter); if the mosque community has been given the opportunity to give its views on the proposed renovation; when the renovation is planned to be completed; if the Mosque will be returned to the same mosque community when the renovation is complete; and, if so, when this return of the Mosque building to the community will take place.

Despite follow-up calls, Azadgil had not responded to these questions by the end of the working day in Baku on 11 August.

Lezgin Mosque no longer?

The Lezgin Mosque – as it is widely known - was built in 1169. It gained its name a century ago as workers from Dagestan came to Baku to work in the burgeoning oil industry. In April 1968, during the Soviet period, the Azerbaijan SSR Council of Ministers included the "Lezgin Mosque" among 44 protected historical monuments in the Old City. It remains a protected monument under subsequent Azerbaijani government lists.

When Azerbaijan applied for World Heritage status for Baku's Old City with UNESCO, the government made specific mention of the "Lezgin Mosque" among protected monuments in the Old City.

However, the government and Old City Reserve officials now dispute this naming, insisting it is called only the Ashur Mosque, in honour of the mosque builder Najaf Ashur Ibrahim. Asked on 6 August about the Lezgin Mosque, Reserve spokesperson Azadgil instantly retorted to Forum 18: "That isn't its name – it's the Ashur Mosque."

Community leader Mustafa insists that officials are trying to remove any ethnic designation from mosques. "That's why they don't like calling it the Lezgin Mosque," he told Forum 18. "But it's attached to the Lezgin national centre."

One of last Sunni mosques

The Lezgin Mosque is one of just two specifically Sunni Muslim mosques still open in Baku. All the others – such as the Abu Bekr Mosque and the Martyrs' Mosque, also known as the Turkish Mosque, near the parliament, the Milli Mejlis - have been closed by the authorities on various pretexts since 2008. The only Sunni Muslim mosque in Azerbaijan's second city Gyanja [Gāncā] was also forcibly closed in 2009.

Another Sunni mosque, in Mushfiqabad near Baku, was transferred to new control in spring 2014. Unnamed officials of the State Committee 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.

"Nothing to fear"?

Sarkhan Halilov, appointed in early August as the Baku representative for the State Committee, insisted that the Lezgin Mosque community has "nothing to fear". He insisted that while the state has restored many mosques across Azerbaijan, he knows of no current plans to close the Lezgin Mosque for renovation. "But it would be wrong to say as the community does that the mosque doesn't need renovation," he told Forum 18 on 7 August from Baku.

Despite the consistent closures of specifically Sunni mosques, Halilov insisted that the government "has nothing against Sunni mosques". Asked why so many have been closed or turned into Shia or Shia-dominated mosques, he responded: "In Azerbaijan Shias and Sunnis pray together in the same mosques."

Asked why police had instituted a cordon around the Lezgin Mosque from mid-morning each Friday until after prayers were completed and why they restrict the number of worshippers allowed in, Halilov claimed that "negative people" gathered there. "It is being done in their [mosque members'] interests – for their security," he maintained.

Asked why the Martyrs' Mosque near the Milli Mejlis had been closed for "repair" so soon after it was built, Halilov replied: "How can a mosque be built so near the Milli Mejlis? You wouldn't have a place of worship so near parliament in any other country. And when the mosque was built, they didn't take account of water pipes that run underneath it." Asked whether Azerbaijan does not have qualified engineers who could resolve any problem with the water pipes, Halilov responded: "It's also a question of security."

Halilov insisted that the Martyrs' Mosque will never be reopened, given its location.

Asked when the Abu Bekr Mosque will be reopened for worship, Halilov said he did not know. "Ask the Mayor's Office."

Forum 18 was unable immediately to reach anyone in the Mayor's Office able to say if and when Abu Bekr Mosque will be reopened.

Scriptures approved after seven months

Meanwhile, more than seven months after the Baptist Union applied in writing for permission to print 3,000 copies of the Azeri-language New Testament, the State Committee finally approved the request in full and in writing on 3 July. Baptist Union head Ilya Zenchenko noted to Forum 18 from Baku on 31 July that the positive response had been "long awaited".

Azerbaijan imposes tight prior state censorship on all religious literature published in or imported into the country. As Azerbaijan's Jehovah's Witnesses have pointed out: "Azerbaijan is the only Council of Europe member state that has set up a system of compulsory censorship of religious literature, in violation of its own Constitution".

Pastor Zenchenko wrote to the then State Committee Chair Elshad Iskenderov for permission for the 3,000 New Testaments on 26 November 2013. State Committee officials repeatedly refused to respond in writing, but insisted verbally – without explanation – that Pastor Zenchenko should re-write the request, giving the requested quantity as 1,000. He repeatedly refused.

Iskenderov was abruptly sacked as Chair of the State Committee on 2 May after just two years in the post.

New State Committee Chair

On 21 July, President Ilham Aliiev signed a decree naming Mubariz Qurbanli as the new head of the State Committee. The decree was published on the presidential website the same day.

Now aged 60, Qurbanli was a school teacher and then a university professor during the Soviet period. After independence, he joined the New Azerbaijan ruling party set up in

1992 to back Heydar Aliiev's return to political life and subsequent presidency and, from 2003, the presidency of his son. Qurbanli has been a ruling party member of the Milli Mejlis since 1995.

"Qurbanli is a party functionary, but is well-mannered, unlike his predecessor Iskenderov," one Baku-based commentator who has met both men told Forum 18.

NSM secret police detentions extended, conscientious objector's appeal fails

Forum 18 (07.08.2014) – <http://www.forum18.org> - Two Muslim prisoners of conscience detained since April, Eldeniz Hajiyev and Ismayil Mammadov, had their pre-trial detention in the hands of Azerbaijan's NSM secret police extended for a further two months today (7 August), Forum 18 News Service has been told. Pre-trial detention for a third prisoner of conscience, Revan Farzaliyev who was detained in May, was extended three days earlier. If convicted, the three men face up to three years' imprisonment for participating in a meeting which was raided by armed police and the NSM secret police. The men had met with other Muslims to discuss their faith with the help of the writings of Islamic theologian Said Nursi. The rulings come after an appeal court in southern Azerbaijan rejected the appeal of Jehovah's Witness conscientious objector Kamran Shikhaliyev against a one-year sentence in a military disciplinary unit. In all these cases Forum 18 has been told that violence has been used by officials against those in their power. There are also continuing administrative fines of people for exercising their freedom of religion or belief.

Sabail District Court in Azerbaijan's capital Baku today (7 August) extended for a further two months the pre-trial detention in National Security Ministry (NSM) secret police custody of two Muslim prisoners of conscience detained since April, Eldeniz Hajiyev and Ismayil Mammadov. Pre-trial detention for a third prisoner of conscience in the case, Revan Farzaliyev who was detained in May, was extended three days earlier, several of their friends separately told Forum 18 News Service from Baku on 7 August. If convicted the three men face up to three years' imprisonment for participating in a meeting to discuss their faith which was raided by armed police and the NSM secret police.

The rulings come after an appeal court in southern Azerbaijan rejected the appeal of a Jehovah's Witness conscientious objector against a one-year sentence in a military disciplinary unit (see below).

Recent months have also seen continuing administrative punishments on people for exercising their right to freedom of religion or belief (see below).

Further two month detention extensions

Hajiyev, Mammadov and Farzaliyev were meeting in Hajiyev's Baku home on 12 April when armed police and secret police raided it. Muslims had gathered in the home to study their faith with the help of the writings of the late Turkish Muslim theologian Said Nursi. Hajiyev and Mammadov have been under arrest since the raid. Nine others who attended the meeting were fined. Farzaliyev was arrested by the NSM secret police in Baku on 23 May.

The NSM has beaten up at least one Muslim in a bid to gain "evidence" for their case, and nine Muslims who attended the meeting have been given large fines equivalent to nearly four months' average wages.

Nursi's theological works are banned in Azerbaijan, along with other religious works and sacred texts such as the Old Testament, and all are subject to confiscation during raids.

In closed hearings one after the other in the same Sabail District Court courtroom on the afternoon of 7 August, Judge Rauf Akhmedov extended Hajiyev's and Mammadov's detention for a further two months, until 13 October. The court rejected requests to free the men on bail of at least 11,000 Manats (about 87,600 Norwegian Kroner, 10,500 Euros, or 14,000 US Dollars), above the legal minimum of 10,000 Manats.

"About 50 of their friends arrived at the court, but had to wait outside as the hearings were closed," a friend of the three detainees told Forum 18. "More would have been there had they had more notice of the hearing."

Mammadov – who spent some of his period in detention in hospital – is suffering from the often-fatal disease of tuberculosis. He appeared behind a glass screen in court to help prevent others possibly contracting the disease.

Farzaliyev's detention was extended by a further two months at a hearing at Sabail District Court on 4 August.

One friend of the three prisoners of conscience notes that Hajiyev's and Mammadov's detention cannot under Azerbaijan's published laws be extended any further. "They will have to either bring the cases to trial or release them," the friend told Forum 18. "Most likely they will go to trial."

"All they did was read holy books"

All three are being investigated by NSM secret police investigators 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.

NSM secret police investigators have refused to discuss the progress of their investigation with Forum 18. All three men reject the accusations against them. "All they did was read holy books which have not been banned here", one friend insisted to Forum 18.

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.

Conscientious objector's appeal rejected

Jehovah's Witness conscientious objector Kamran Shikhaliyev has failed in his appeal against a one-year sentence in a military disciplinary unit. Judge Etibar Jamalov of Shirvan Appeal Court's Military Collegium finally upheld the original sentence on 16 July, the court chancellery told Forum 18 on 6 August. "If he is dissatisfied, he could appeal further to the Supreme Court in Baku," the chancellery official added.

Shikhaliyev was forcibly conscripted in Baku in October 2013 just days after his 18th birthday and then was transferred to a military unit. Shikhaliyev has been maltreated

since his enforced conscription. "Despite physical abuse, verbal humiliation, and psychological pressure, Shikhaliyev has refused to wear a military uniform, perform military duties, or take the military oath", Jehovah's Witnesses have told Forum 18. "He has not wavered in his conscientious religious position".

Before 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". There are no signs that the government has any intention of keeping this promise.

In April 2014 Jalilabad Military Court sentenced Shikhaliyev under Criminal Code Article 335.1 ("Evasion of military service by causing harm to health or in another way") to one year in a disciplinary military unit. His appeal hearing was originally due on 11 June.

Neither prisoner of conscience Shikhaliyev nor his lawyer have so far received the written decision from the Court, Jehovah's Witnesses told Forum 18 on 7 August. Shikhaliyev has not yet filed a further appeal.

As of early August, Shikhaliyev remained at the same Military Unit No. 704 he has been held at since his forcible conscription. This is in Astara near Lankaran on the south-eastern border with Iran, Jehovah's Witnesses added. They said he had not yet been transferred to a military disciplinary unit.

"What lawful request did he disobey?"

Meanwhile, on 19 July police in the central town of Mingeçaur [Mingäcevir] detained two local Jehovah's Witnesses – Sakina Najafova and Elchin Bakirov - for talking about their faith with other people, the Interior Ministry noted on its website the same day. It said administrative cases had been prepared.

The officers then invited Najafova and Bakirov to a police station, regarding their activity as "suspicious", but Bakirov refused. He was detained for this alleged insubordination, which was then used to bring him to court. "If Elchin was truly 'invited' to the police department, as the officers testified, would he not then have had the right to decline their 'invitation'?" Jehovah's Witnesses pointed out. "If so, what lawful request did he disobey?"

The following day, Bakirov was brought to Mingeçaur Town Court to face charges under Administrative Code Article 310.1. This punishes "wilful refusal to obey the lawful demand of a law-enforcement officer" with a fine of 200 Manats (about 1,600 Norwegian Kroner, 190 Euros, or 255 US Dollars) or up to one month's imprisonment.

Judge Mahbura Karimova found Bakirov guilty and fined him 200 Manats. "The Court relied on testimony from two police officers who stated they approached Elchin and his companion and, after introducing themselves, asked them not to disturb the inhabitants of the apartment building," Jehovah's Witnesses told Forum 18. "Yet there was no evidence of any disturbance or complaints from anyone."

Bakirov appealed against his conviction and fine to Sheki Appeal Court. No date has yet been set for a hearing.

"They shouldn't meet and share their faith"

The duty officer at Mingechnik Police, who did not give his name, defended the prosecution – and the June prosecutions of other local Jehovah's Witnesses (see below). "They shouldn't meet and share their faith secretly," he insisted to Forum 18 on 7 August. "It's not difficult for them to tell us they'll be talking about Jehovah or holding meetings. But they need permission." Asked why they need permission to exercise their right to freedom of religion or belief, the officer responded: "We don't say what they're doing is bad – they just need permission."

The man who answered the phone in Agdash of Nizami Mammadov, the regional representative of the State Committee for Work with Religious Organisations whose territory includes Mingechnik, put the phone down as soon as Forum 18 introduced itself on 7 August.

June Mingechnik fines

Elchin Bakirov's 20 July fine came a month after two other Jehovah's Witnesses also in Mingechnik were convicted and punished at the same court for exercising the right to freedom of religion or belief. On 18 June Judge Huseyn Mirzaliyev of Mingechnik Town Court fined Rza Babayev and Asif Bakirov 1,500 Manats (about 11,900 Norwegian Kroner, 1,430 Euros, or 1,900 US Dollars) each under Administrative Code Article 299.0.2.

The fines followed an 8 June police raid on Bakirov's home where 22 people had gathered for a Jehovah's Witness meeting. 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". Asked why his officers had raided a private home during a religious meeting, Mingechnik police chief Colonel Alasgar Badalov insisted to Forum 18: "It wasn't a raid".

Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with punishments on individuals of a fine of between 1,500 and 2,000 Manats. A fine of 1,500 Manats represents nearly four months' average wages, according to the State Statistics Committee.

Babayev and Asif Bakirov appealed to Sheki Appeal Court against their convictions and fines. On 18 July, Judge Rafail Aliyev upheld Bakirov's conviction and fine. On 21 July, Judge Mirbahadin Huseynov upheld Babayev's conviction and fine, according to the verdicts seen by Forum 18.

Four Gyanja fines

Following a 4 June police raid on a meeting in a private home in Azerbaijan's second city Gyanja [Gäncä], cases against four Jehovah's Witnesses – Elgiz Aliyev, Rashad Niftaliyev, Tarana Mammadova and Akif Aliyev – were brought to the city's Kapaz District Court under Administrative Code Article 299.0.2.

During the 4 June raid, police searched the home, confiscating religious literature they claimed was "banned by law". Ten women, 11 men and a child were detained.

Elgiz Aliyev was fined 2,000 Manats (about 16,000 Norwegian Kroner, 1,900 Euros, or 2,550 US Dollars), while the other three - Niftaliyev, Akif Aliyev and Mammadova - were each fined 1,800 Manats (about 14,340 Norwegian Kroner, 1,700 Euros, or 2,295 US Dollars), Jehovah's Witnesses told Forum 18.

All four of those convicted appealed to Gyanja Appeal Court. On 14 July, Judge Teyyub Mukhtarov rejected Niftaliyev's appeal. On 16 July, Judge Fikret Aliyev rejected Akif

Aliyev's appeal. On 17 July Judge Elchin Khasmammadov rejected Elgiz Aliyev's appeal, according to the court website. However, on 11 July the court upheld Mammadova's conviction but reduced her fine from 1,800 to 1,500 Manats.

Lankaran fines overturned

Following appeal hearings at Shirvan Appeal Court on 11 June, two Jehovah's Witnesses from the southern town of Lankaran have had earlier administrative punishments cancelled. Both had been punished under Administrative Code Article 299.0.2 and Article 299.0.4. Judge Amil Dosiyevev completely overturned the punishment on Fatmakhanim Huseynli. Judge Alasgar Novruzov partially overturned the punishment imposed on Tarana Huseynova, according to the court website. Both cases have been sent back for reconsideration.

Article 299.0.4 punishes "religious activity not within a religious association's registered address" with fines for individuals of between 1,500 and 2,000 Manats.

Lankaran District Court had fined Huseynli and Huseynova 1,500 Manats each in May, while Klara Shirinova was convicted and given an official warning. They were convicted after police raided a meeting in a private home in Lankaran attended by about 20 people. Police seized religious literature.

Following an earlier incident, two other Jehovah's Witnesses from Lankaran have so far avoided punishment, despite police efforts. The two - Royal Agalarov and Fatima Ismayilzada - were detained on 25 April for speaking to others about their faith in public. Police charged both under Administrative Code Article 299.0.4, Jehovah's Witnesses told Forum 18.

On 30 June, Lankaran District Court convicted Ismayilzada and gave her an official warning. On 22 July, Lankaran District Court found Agalarov not guilty and dismissed the case against him. On 5 August, Shirvan Appeal Court partially upheld Ismayilzada's appeal and overturned her conviction. Her case has been sent back to the District Court for reconsideration.

Jehovah's Witnesses deprived of their freedom to share their beliefs

HRWF (24.07.2014) - On 21 May 2014, at 12:00 p.m., Khuraman Abbasova and a fellow believer named Khanum were sharing their religious beliefs near a shopping centre. They read a Bible verse to a man and gave him a copy of a religious brochure. He complained to Baku Police Department No. 24. Approximately half an hour later, the complainant and five police officers approached the two Witnesses.

The police took the Witnesses to the station because they had shared their beliefs and read from the Bible. When Khanum said she was waiting to meet someone there, an officer threatened to drag her to the police station by her hair. When they arrived at the police station, the Chief spoke very harshly with them.

Next they were taken to the office of High Lieutenant Jahlil Akparov. He told Khuraman and Khanum the chief wanted to start a criminal case against them. The police ordered the Witnesses to write statements. Khuraman refused. The Lieutenant said he would write a statement for her to sign. Khuraman agreed to write a statement, but refused to write what the Lieutenant dictated. He shouted at her and threatened to hit her. The

Lieutenant told Khuraman not to write that she read a Scripture from the Bible, but that she read from the Old Testament. Khanum asked for permission to leave to buy water to drink, but the lieutenant refused. At 7:10 p.m., the police took them to the Nizami District Prosecutor's Office. The Prosecutor told the Witnesses it was a shame they read the Bible as Muslims.

An employee of the Prosecutor's Office questioned them about where they worship, where they obtain their religious literature, and other questions about their religious organization. The Witnesses were released at 9:30 p.m. The Prosecutor's Office asked the Witnesses to provide a copy of their religious community's registration.

On 21 May 2014, at 6:45 p.m., Ayshen Hasanzade and a companion named Ilaha were sharing their religious beliefs near a market. While speaking with a woman, a man walked by and stopped to listen. A little later, he approached them and asked what they were doing. They explained they were talking to people about God. He asked them to show their identification documents. He said he was a police officer named Vasif and they would have to accompany him to the police station. When they arrived at the Baku Police Department No. 24, the police asked to see all that was in their purses. They pulled out their copies of the Bible and other religious literature. Ayshen's mother arrived at the station. When they were taken to the office of the police chief, he spoke harshly with them. Then they were taken in a police vehicle to another police department near Gara Garayev Metro Station. The deputy chief spoke very roughly with them.

In another office, they were interrogated and officers threatened to search their home because they received information there were drugs there. Ayshen's mother asked whether they had a search warrant and said she wanted to speak to a lawyer. The deputy chief became very angry, jumped up, and threatened to punch her, but held back. The deputy chief thought Ayshen's mother had also been preaching and threatened to put her in jail for five days. When he understood it was only Ayshen and Ilaha preaching, he said he would give them only a warning. From there they were taken back to Baku Police Department No. 24. Each was ordered to write a statement. The police ordered Ayshen to write she would not preach in that territory anymore. She refused. The police returned the Witnesses' literature and released them at 9:30 p.m.

On April 23, 2014, at 4:30 p.m. Irina Khoteyenko visited the home of a woman to talk about the Bible. She had spoken with the woman several times before and the woman had invited her back. When she knocked on the door, the woman came and said she could not speak because she had guests. As Irina was about to leave, the woman's son-in-law, who was in a police uniform, came to the door shouting and demanded that Irina not return. Irina agreed, but the officer demanded that she give him her Bible. He looked inside and saw the word "Pennsylvania" and became even angrier. He accused Irina of distributing forbidden literature and said he would take her to the police station.

The officer, Zamik Karimov, threatened to fine Irina 3,000 AZN (2,800 EUR). Irina was taken from one police officer to another for questioning. She was taken to the office of the deputy chief, where he interrogated her for another half an hour. Russian-speaking officers joined them, since Irina's first language is Russian, and called Jehovah's Witnesses a sect that misleads people. Another officer joined them and accused Irina of violating Article 299.0.3 of the AVC, saying she had no right to speak about the Bible in a Muslim country. Irina refused to sign the protocol. The police released her around 9:30 p.m., but did not return her Bible to her.

On 13 April 2014, Jamala Ibrahimova and Aytaj Amirzada were sharing a Bible message in an apartment building. A police officer named Samir approached them and asked to see their documents. The officer then took them to a police vehicle waiting outside and

said they must go to the police station. The officers confiscated Jamala's personal copy of the Bible and a religious brochure.

The police took the two Witnesses to Police Department No. 24. Deputy Chief Gabil accused them of disturbing people. He said they could read religious materials for themselves, but it is not necessary to talk to others about their beliefs. The police ordered Jamala and Aytaj to return to the station the next day because Aytaj is a minor and the police wanted to notify the principal of her school that she had been detained for preaching.

The next day, 14 April 2014, Jamala and Niyar Suleymanova, Aytaj's mother, went to the police station. The police took Jamala and Niyar to Aytaj's school to meet with the director. The director was surprised to learn Niyar and Aytaj were Jehovah's Witnesses and the police officer said it was a sin to change their religion because in the Koran it is written to not read the Bible.

After about two hours of meetings, the director asked Aytaj to promise not to read the Bible. She refused. The police returned Jamala's literature and they were released. The director of the school threatened to expel Aytaj if she continued reading the Bible and preaching. Later the same day, the director of the school where Niyar works called her to the school. He said the police informed him she had been preaching illegally and threatened to fire her if she continued.

A religious meeting of Jehovah's Witnesses disrupted in Ganja

HRWF (17.07.2014) - On 4 June 2014, at about 3:15 p.m., police raided a religious meeting of about twenty Jehovah's Witnesses held in the private home of Tarana Mammadova. At least ten police officers participated, some in uniform and others in civilian clothes. Most officers refused to identify themselves. One officer said his name was Fakhraddin, but it turned out to be Ali. The police produced no search warrant. Two officers, Rashad and Ali, used their phones to make video recording of all present. The police took all in attendance to the Kapaz District Police Station, including infants. On the way to the station, Officer Ali insulted Jehovah's Witnesses, saying their beliefs were nasty and likened them to a toilet. He said he wanted to spit on the Witnesses and the God whom they worship, Jehovah.

At the station, Ali ordered everyone to empty their bags. The police confiscated all of the religious literature, which included many personal copies of the Bible. Each detainee was interrogated and ordered to write statements. Then all of the detainees were stood before journalists with video cameras

(See <https://www.youtube.com/watch?v=Lvw8Y4RHZfE>) Almost 30 media outlets throughout Azerbaijan published broadcast stories about the detention, including the local BBC.



Police wrote up protocols for Elgiz Aliyev, Akif Aliyev (no relation), Tarana Mammadova and Rashid Niftaliyev. They were released by about 9:30 p.m. The next morning, 5 June 2014, all four were summoned back to the police station and taken to Ganja Kapaz District Court. Each was charged under Article 299.0.2 of the AVC. Their hearings were adjourned to 17 June 2014, at which time they all convicted and fined. Elgiz was fined 2,000 AZN (1,880 EUR). Rashad, Tarana, and Akif were each fined 1,800 AZN (1,690 EUR). They were punished for holding religious meetings without State registration. Many stories featured pictures of people in handcuffs and behind prison bars, giving the impression there was criminal activity.

On 5 June 2014, court bailiffs went to the home of Irada Huseynova. On 23 January 2014, Ganja Kapaz District Court fined Irada 1, 800 AZN (1,690 EUR) for allowing a religious meeting of Jehovah's Witnesses to be held in her home. On 18 February 2014, the Ganja Court of Appeal upheld the fine. The court bailiffs searched Irada's home and made a list of her possessions. They said that if anything from the list is sold or goes missed, they will hold her responsible.

A religious service of Jehovah's Witnesses disrupted in Mingachevir

HRWF (16.07.2014) - On 8 June 2014, at 12:00 p.m., a group of about twenty Jehovah's Witnesses met for worship in the home of Asif Bakirov. At approximately 12:45 p.m., while the service was in progress, about six police officers rushed into the home and stopped the meeting. One had a video camera. Rza Babayev asked whether the police had a warrant to enter the home and make video recordings. Two officers quickly flashed pieces of paper, but there was no time to see what they said. As they recorded everyone present, the police declared the meeting was illegal because the Witnesses did not have registration. The police then took Rza, Asif, and Asif's son, Elchin, to the police station. Two or three officers stayed at the home to interrogate those remaining. They left around 1:40 p.m.

At the police station, officers took from Rza his personal copy of the Bible, a notebook, and several religious publications. They said they would send the publications to the SCWRA for review. If the SCWRA says it is approved, they will return it. An officer told Rza that if Jehovah's Witnesses obtain permission to hold their meetings, the police will not disturb them. After writing statements, Rza, Asif, and Elchin were released around 6:00 p.m. Local news outlets reported that twenty-two Jehovah's Witnesses were detained for promoting ideas of the "sect".

On 18 June 2014 Rza and Asif were called back to the police station. The police then took them to Mingachevir City Court. Rza and Asif asked the presiding judge for an adjournment so they could familiarize themselves with the case, seek legal advice, and prepare a defense. The judge refused and fined each of them 1,500 AZN (1,410 EUR) for violating Article 299, 0.2 of the AVC.

Third Muslim in secret police pre-trial detention

By Felix Corley

Forum 18 (09.06.2014) - 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 Hajiyev 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 Mingeçaur. "It wasn't a raid," Mingeçaur 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 Hajiyev 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, Hajiyev's lawyer Nizami Abbasov told Forum 18 from Baku on 9 June.

Hajiyev and Mammadov have been under arrest since the 12 April raid.

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

Criminal investigation

The three Baku-based Muslims – Hajiyeu, 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.

"Officials say many 'witnesses' need to be questioned in connection with the case," Hajiyeu'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.

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.

Trouble began on 12 April, when armed police raided Muslims studying Nursi's writings in Hajiyeu's Baku home. On 14 April, Baku's Sabail District Court ordered that Hajiyeu 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.

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.

Secret police detention

Hajiyeu, 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

Family visit?

Hajiyeu, 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.

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.

Police arrest 22 Jehovah's Witnesses

Interfax-Religiia (05.06.2014) - Azerbaijani police put an end to an attempt by members of the Jehovah's Witnesses organization to conduct a ritual in the city of Giandzhe in the west of the republic, the local TV channel ANS reports.

The operation was conducted in a private home, where representatives of the society assembled for the event.

As a result of the operation, 22 persons were transported to the police department, where they were interrogated. During a search of the home, literature promoting this religious movement was discovered.

In Azerbaijan, conducting religious events in private homes violates the law. (tr. by PDS, posted 5 June 2014)

"The banned book the Old Testament was confiscated"

By Felix Corley, Forum 18 News Service

Forum 18 (03.06.2014) - Three women convicted in southern Azerbaijan in May of meeting for religious purposes without state permission are challenging their convictions, Forum 18 News Service has learnt. No dates for the appeal hearings have been set. Two of the women were heavily fined and police confiscated Bibles and other religious publications. In another case, following the detention of two women and a 14-year old girl talking about their faith to others, police confiscated what they described as "the banned book the Old Testament". Also, Muslims who read the works of the late Turkish theologian Said Nursi have been seeking to find out from the State Committee for Work with Religious Organisations why his works have been banned and are confiscated by police. The State Committee replied that his works are "inappropriate for import in large quantities or publication". As one Muslim observed to Forum 18, "they didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?"

Three women convicted in southern Azerbaijan in May under the Code of Administrative Offences of meeting for religious purposes without state permission are challenging their convictions, Forum 18 News Service has learnt. The women – two of whom were heavily fined after the meeting was raided by police – have lodged appeals to Shirvan Appeal Court. No dates for hearings have yet been set. Police also confiscated Bibles and other religious publications.

In another case, following the detention in mid-May of two women and a 14-year old girl talking about their faith to others, a court in Gakh [Qax] in northern Azerbaijan dismissed an administrative case against one of the women. No prosecution of the second adult occurred, despite police threats to bring a case. However, police confiscated an Azeri-language copy of the Old Testament insisting that it is "banned" (see below).

Also, Muslims who read the works of the late Turkish theologian Said Nursi have been seeking to find out from the State Committee for Work with Religious Organisations why his works have been banned and are confiscated by police (see below).

"Only Council of Europe member state that has system of compulsory censorship"

The Old Testament, Nursi's 14-volume Risale-i Nur (Messages of Light) collection of writings, and several Jehovah's Witness publications were included on a police list of alleged "banned" religious literature, based on State Committee "expert analyses".

Azerbaijan imposes tight prior state censorship on all religious literature published in or imported into the country. As Azerbaijan's Jehovah's Witnesses have pointed out: "Azerbaijan is the only Council of Europe member state that has set up a system of compulsory censorship of religious literature, in violation of its own Constitution."

Forum 18 asked Orhan Ali, spokesperson for the State Committee, on 16 April whether Nursi's works have been banned, and if so who by. Despite a reminder on 25 April and on 2 June, Forum 18 had received no response by the end of the working day in Baku on 3 June. Similarly, Ali had not responded to Forum 18's similar 2 June enquiry about the apparent ban on the Old Testament.

Raid with no warrant, Bible confiscation and two fines

On 2 March, police raided a meeting in a private home in the southern town of Lankaran

attended by about 20 people, Jehovah's Witnesses told Forum 18. "While the meeting was in progress, about 19 police officers crowded into the home under the pretext a neighbour had complained religious meetings were being held at the home and the residents had changed their religion," Jehovah's Witnesses stated. "The police officers did not identify themselves and refused to show any order authorising the raid."

Police confiscated several Bibles and other religious publications "for examination", and had not returned the literature by the end of May, Jehovah's Witnesses complained to Forum 18. After a six-hour process of taking statements, police took two of those present at the meeting to the town's police station.

On 8 May, Lankaran District Court convicted Tarana Huseynova under Administrative Code Article 299.0.2 and Article 299.0.4 and fined her 1,500 Manats (11,500 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars).

On 13 May, Lankaran District Court convicted Klara Shirinova and Fatmakhanim Huseynli under the same two Articles. The court fined Huseynli 1,500 Manats and issued an official warning to Shirinova.

Local residents estimate that such fines represent about one year's salary for a state employee outside Baku, such as a teacher.

Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies". Article 299.0.4 punishes "religious activity not within a religious association's registered address". Both Articles carry punishments on individuals of a fine of between 1,500 and 2,000 Manat.

All three women have appealed against their convictions to Shirvan Appeal Court. Appeal hearing dates have not yet been set.

Qagayi Mammadov, the Lankaran regional representative of the State Committee, claimed that he knew nothing of the March raid and May punishments. "No one reported this to me," he told Forum 18 from Lankaran on 3 June. "How should I know what happens every day, every moment?"

Asked who was responsible for the violation of freedom of religion or belief, Mammadov insisted: "I can't say if the police are guilty or not. If they [the Jehovah's Witnesses involved] are not happy, let them appeal to the State Committee in Baku."

Detentions, Old Testament seized but no fine

In the northern town of Gakh, police detained two Jehovah's Witnesses, accusing them of spreading their faith illegally, officers told the APA news agency on 19 May. The police station had received information that a group of people were going from house to house sharing their faith, officers told APA, without revealing who had told the police.

Officers followed up this information by detaining local resident Tarana Khususshvili and her 14-year-old daughter Luka. They also detained a 45-year-old resident of the capital Baku, Gulara Huseynova. "A copy of the banned book the Old Testament was confiscated from them," APA quoted police as stating. Officers said administrative cases were prepared against the women and sent to Gakh District Court.

The Bible confiscated from Huseynova was "Muqeddes Kitab", a modern Azeri-language translation in Latin script of the Old Testament which was not produced by Jehovah's Witnesses.

"The police informed Gulara the 'Old Testament' was forbidden when they confiscated it," Jehovah's Witnesses told Forum 18.

The duty officer at Gakh police station refused to discuss the detention of the two women and the girl with Forum 18 on 27 May. The officer refused to transfer the call to the police chief or any other officer who could answer Forum 18's questions.

Huseynova was brought to Gakh District Court on 29 May under Administrative Code Article 299.0.4. However, Judge Atabay Kichibayov dismissed the case, Jehovah's Witnesses told Forum 18.

A court official told Forum 18 on 27 May that no case against Khusisshvili has reached the court.

Mehman Ismayilov, the northern regional representative of the State Committee, refused to discuss the detentions, religious literature seizure and attempted prosecution with Forum 18 on 3 June.

Known 2014 serious violations of freedom of religion or belief

Among serious violations of freedom of religion or belief in 2014, there have been at least 11 large fines imposed on Muslims meeting to study the works of Nursi. Two Muslims have been detained by the National Security Ministry (NSM) secret police for this "offence".

And since 25 April police in Baku have stopped worshippers unable to fit into the small Lezgin Sunni Mosque for Friday prayers from praying in the surrounding streets.

The Lankaran and Gakh incidents are the latest known serious violations of Jehovah's Witnesses' freedom of religion or belief in 2014. On 11 January, police raided a religious meeting they were holding in Azerbaijan's second city Gyanja [Gäncä]. On 23 January, a local court fined five of those present 1,800 Manats each. On 16 April, Jehovah's Witness conscientious objector Kamran Shikhaliyev was sentenced to one year in a disciplinary military unit.

When and why were Nursi's works banned?

Baku-based Muslim Zeka Miragayev has been trying to find out from the State Committee whether works by Nursi – particularly the Risale-i Nur collection – have been banned and, if so, when, why and who by. He put the questions in a 27 May enquiry to the State Committee seen by Forum 18.

Miragayev pointed to an earlier State Committee ruling that Nursi's books were not harmful. He also questioned State Committee comments to the APA news agency on 22 May that the import of the books had been restricted in 2009 and banned in 2012 .

In May 2012 police and National Security Ministry (NSM) secret police raided Miragayev's Baku home. They confiscated 30 copies of the Koran, 24 other books (including some by Nursi), a computer and a small sum of money. He has failed through the local courts to have the raid and confiscations of his religious literature declared illegal.

"Incomprehensible in terms of legislation"

State Committee spokesperson Ali responded to Miragayev by email on 27 May. "In reply to your question, we inform you that since 2009 the State Committee has considered literature which is part of the complete works of Risale-i Nur and is used to spread the sect (Nurculuq) 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)."

"As you can see, the State Committee has not based its response on any official document," a friend of Miragayev complained to Forum 18 from Baku on 2 June. "They didn't use the term 'forbidden' or 'banned', but the term 'inappropriate'. This is incomprehensible in terms of legislation, isn't it?"

Appeal against conviction for conscientious objection for military service

One 18-year-old Jehovah's Witness conscientious objector, Kamran Shikhaliyev, is awaiting his appeal at Shirvan Appeal Court. Judge Etibar Jamalov of the Court's Military Collegium is due to hear the appeal on the morning of 11 June, the Court told Forum 18 on 3 June.

Shikhaliyev was forcibly conscripted in Baku in October 2013 just days after his 18th birthday. He was transferred to a military unit. In April 2014 Jalilabad Military Court sentenced him under Criminal Code Article 335.1 ("Evasion of military service by causing harm to health or in another way"). He was sentenced to one year in a disciplinary military unit.

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".

European Court of Human Rights cases

Azerbaijan's Jehovah's Witnesses have lodged 19 cases to the European Court of Human Rights (ECtHR) in Strasbourg over denial of their human rights. The applications cover a variety of freedom of religion or belief violations and have not yet been heard:

- Three concern imprisonment of conscientious objectors to compulsory military service;
- Five concern police raids on religious meetings;
- Two concern sharing beliefs with other people;
- Five concern state censorship of religious publications;
- One covers denial of re-registration following 2009 amendments to the Religion Law;
- and three cover deportation of foreign nationals to punish them for their religious activity.

Where is prayer allowed?

By Felix Corley

Forum 18 (28.05.2014) - On 25 April, Police in Azerbaijan's capital Baku tried to prevent worshippers unable to fit into the small Lezgin Sunni Mosque for Friday prayers from praying in the surrounding streets. On the four Fridays since then, police impose a

cordon from mid-morning and allow no prayer around the mosque, the mosque chair Faiq Mustafa complained to Forum 18 News Service. Colonel Kamal Velishov also tried to order the mosque to close at 8 pm each evening. "This would prevent us holding the last two prayers, at 9 pm and 11 pm," Mustafa noted. Colonel Velishov refused to discuss his actions, including threats to close the mosque. "Talk to the Interior Ministry," he told Forum 18, putting the phone down. Other Sunni Muslim mosques were closed in 2008-9. The State Committee for Work with Religious Organisations appears to have been behind this spring's enforced change of leadership at the previously Sunni mosque in Mushfiqabad near Baku.

The deputy district police chief overseeing the cordon around a mosque in Azerbaijan's capital Baku each Friday has refused to discuss his actions, including threats to close the mosque. "Talk to the Interior Ministry," Colonel Kamal Velishov of Sabail District Police repeatedly insisted to Forum 18 News Service on 27 May. He then put the phone down. The police cordon has been imposed around the Lezgin Mosque in Baku's Old City on each of the four Fridays in May so far to prevent Muslims who cannot get in from praying around it.

Because of the 28 May public holiday in Azerbaijan, Forum 18 was unable to reach anyone at the Interior Ministry in Baku.

Several mosque members told Forum 18 that Colonel Velishov has tried to force the mosque to close each evening at 8pm. "This would prevent us holding the last two prayers, at 9 pm and 11 pm," the chair of the mosque Faiq Mustafa told Forum 18 on 27 May. "We can't agree to this," another mosque member told Forum 18 on 28 May. "Allah instructed us to pray."

Colonel Velishov "also ordered us not to use a loudspeaker for the azan [call to prayer], but this is part of our faith," Mustafa added. "We told him all this is none of his business."

Mosque chair Mustafa, and several other mosque members, told Forum 18 that Colonel Velishov had even threatened to close the mosque down if it refused to comply with his orders.

In August 2008 – shortly before the start of the Muslim fasting month of Ramadan - a "temporary" ban on praying outside all mosques in the country was imposed, whose text has apparently never been made public. It appears to remain in force.

Baku's only two Sunni Muslim mosques

The Lezgin Mosque is one of just two Sunni Muslim mosques still open in Baku. All the others – 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.

Another Sunni mosque, in Mushfiqabad near Baku, has long faced state pressure. Earlier this year it was transferred to new control (see below).

Officials, including staff of the State Committee for Work with Religious Organisations, frequently accused the Lezgin and Mushfiqabad mosques of sending young men to fight in Syria's civil war. However, they produced no evidence and no prosecutions for this are known to have been brought against current or former leaders of these mosques.

Orhan Ali, spokesperson for the State Committee, has repeatedly told Forum 18 he does not answer questions by telephone. The Chair of the State Committee, Elshad

Iskenderov, was sacked by President Ilham Aliyev on 2 May. The Acting Chair is 62-year-old Sayyad Salahli, who was appointed to the State Committee in 2012.

Cordon imposed

The latest trouble for Baku's Lezgin Mosque began at Friday prayers on 25 April, when police tried to prevent worshippers from praying outside on the street. The mosque is very small, and can accommodate only about 150 worshippers, so those who had arrived could not all fit in. Police insisted the worshippers outside were obstructing traffic, and scuffles broke out. However, police soon backed down and worshippers completed their prayers outside.

Beginning on the following Friday, 2 May, and continuing on successive Fridays, large numbers of police vehicles and officers arrived soon after 10 am and installed a cordon around the Lezgin Mosque, which also extended around the adjacent and much larger Juma Shia Mosque. "Each week there seem to be more police," Mustafa complained to Forum 18. "They stay until the namaz is over – and then they try to pressure worshippers to disperse quickly."

Forum 18 was unable to reach Natiq Jamalov, head of Sabail District's 9th police station, which oversees policing in the Old City. Similarly his deputy Sahman (last name unknown) was unavailable on 27 May. The duty officer, who would not give his name, dismissed suggestions that access to the Lezgin Mosque is restricted. "The first time I hear of this is from you," he claimed to Forum 18. "People can freely enter the mosque and pray around it."

About 600 people used to attend Friday prayers, but now only about 150 are allowed in to pray, with no one allowed to pray outside, mosque chair Mustafa added. He said some Sunni Muslims who used to attend the Mushfiqabad Mosque and other closed Baku Sunni mosques began to attend prayers at the Lezgin Mosque.

Mustafa said that the Juma Mosque next door does not face such obstructions, even though it is within the same Friday police cordon.

Another mosque member, who preferred not to be identified, told Forum 18 on 27 May that about 70 would-be worshippers who were refused entry to Friday prayers at the Lezgin Mosque on 16 May asked a police officer if they could be allowed through the cordon to attend prayers at the Juma Mosque. The officer telephoned the Juma Mosque's imam, but he would not allow them entry. "The authorities are trying to crush Sunnis," the mosque member complained to Forum 18.

The mosque member also complained that on 16 May, a police officer who gave his name only as "Khagani" – who has often been present outside the mosque – "accused us of being gay". Mosque chair Mustafa added: "People got angry and started to fight. It was all a provocation. We had to calm people down."

Forum 18 was unable to reach Officer Khagani to ask why he made these remarks to mosque members.

Earlier re-registration refusal

The mosque member said he and fellow-believers had registered a Sunni Muslim community in the mid-2000s, using his home as the legal address. They then sought to recover another former mosque in the Old City, which was lying empty. The former mosque, which remains empty today, is owned by the Culture Ministry, though Shia Muslims have occasionally used it for worship. The mosque member said the Sunni community would still like to gain ownership and use it for worship.

The State Committee refused to re-register the Sunni Muslim community and similar communities after the 2009 Religion Law because they did not have places of worship to meet, the mosque member complained.

Mosque leadership change state-imposed?

The Sunni Muslim mosque in the village of Mushfiqabad in Baku's Garadag District was subjected to a leadership change, apparently at the instigation of the State Committee. Unnamed State Committee officials told the APA news agency on 5 March that the old community which ran the mosque had "dissolved itself". Muslims close to the community denied this to Forum 18.

The old community gained state registration with the Justice Ministry in 1998 before the State Committee was created in 2001. It was unable to get the compulsory re-registration with the State Committee after the adoption of the harsh 2009 Religion Law as the government-backed Caucasian Muslim Board refused to give its required approval. Police repeatedly threatened to close the mosque down.

After the imam Mubariz Gachaev was removed, the Muslim Board approved a new community and the State Committee registered it, officials told APA. The Muslim Board named as imam Shaiq Aliyev, who was presented to the congregation on 1 March. The imam indicated that the mosque would cater to both Shia and Sunni Muslims.

With its new state registration in spring 2014, the state-backed Mushfiqabad mosque community was thus one of only a handful of Muslim communities allowed to gain the compulsory state registration in the two years that Iskenderov headed the State Committee. No non-Muslim communities were registered during that period, despite many unfulfilled registration applications lodged since 2009.

Mosque community liquidated

In March the State Committee moved to annul the state registration of the community of the Fatima-Zahra Mosque in the Yeni Guneshli residential district in Baku's Surakhani District. Baku Administrative Economic Court No. 2 upheld the State Committee's suit. However, community members are challenging the stripping of registration in Baku Appeal Court. The Court is due to hear the appeal on 4 June, former community member Tofiq Razizade told Forum 18 from Baku on 27 May.

The community gained state registration in 1992 and sought to build a mosque. However, the half-finished building has not been completed. After state pressure on the community and threats to bulldoze it, the Caucasian Muslim Board took over the building in 2010 and promised to complete it with state backing. However, it has failed to do so, Razizade noted.

Since that time the community has been divided into competing factions, Razizade told Forum 18, though Friday prayers have continued at the site. He said the former imam Mirnasib Hasanli and his daughter Amira Hasanova are leading the legal challenge to the stripping of registration.

Special controls on mosques

Under the Religion Law, Muslim communities face discriminatory measures not applied to religious communities of other faiths. Mosques need the approval of the Shia-dominated Caucasian Muslim Board before the State Committee will register them. This effectively bans any Muslim communities of other affiliation from even seeking the compulsory state registration.

Only citizens who have received their education in Azerbaijan are supposed to be allowed to lead prayers in mosques and they must be named by the Muslim Board, which also informs the local authorities.

Muslims who insist on exercising their right to freedom of religion or belief independent of the Muslim Board and the State Committee risk punishment. Following their 12 April arrest, Eldeniz Hajiyev and Ismayil Mammadov have been held in the National Security Ministry secret police investigation prison in Baku facing criminal charges for leading a gathering of readers of works of the late Turkish Muslim theologian Said Nursi. Arrested in May 2013, Islamic theologian and preacher Taleh Bagirov and his driver Anar Melikov are both serving prison sentences on charges their supporters insist were trumped up.

However, the State Committee also retains tight control over their activity and makes decisions on their behalf. When the Teze Sheher mosque in the northern town of Khachmaz [Xacmaz] was closed for alleged "temporary repair" from 1 March, the decision seems to have been taken by the State Committee.

The mosque's imam Zaur Mamedov told the Islam.az website on 11 March that the closure had been agreed with the State Committee and the Muslim Board. He insisted that the mosque needed extensive repairs which could only be undertaken with the mosque's complete temporary closure. Imam Mamedov said that long before the closure, alternative places for worship had been agreed "with the appropriate bodies", though he did not identify which they were.

However, state officials have long alleged that Wahhabis or Salafis have frequented the mosque. Local Sunni Muslims have complained that the mosque was closed in a bid to make it easier to exclude them from the community. Imam Mamedov dismissed this and other suggestions as to why the mosque was closed to Islam.az as "nonsense". On 17 March, the State Committee insisted that the mosque had been closed for repairs.

Where is prayer allowed?

A group of about 15 workers building the new Olympic stadium in Baku were sacked to punish them for praying the namaz (Muslim prayers) at the site, the Baku-based journalist Mehman Huseynov noted on his blog on 19 March. The sackings reportedly came several days after pictures of the men at prayer appeared on the internet. Representatives of the state-owned Socar oil company – which is overseeing construction by a Turkish company – arrived at the site soon after. They sacked the workers and issued warnings to others, Huseynov said.

Socar's press office in Baku refused to answer Forum 18's questions by phone on 27 May. That afternoon, Forum 18 asked in writing if the workers had been sacked because they had prayed together on site and, if so, why and whether the sackings had come at the instigation of Socar officials. No response had been received by the end of the day in Baku on 28 May (though 28 May is a public holiday).

Jehovah's Witnesses in Azerbaijan appeal for justice to the European Court of Human Rights

JW.org (26.05.2014) <http://www.jw.org/en/news/legal/by-region/azerbaijan/religious-freedom-echr-appeal/> - The occasion was a Sunday morning meeting for worship. Inside a room in Baku, Azerbaijan, approximately 200 men, women, and children were listening to a Bible discourse.

Police broke through the door, followed by other officials and the glare of TV camera lights. The police not only interrupted the religious service of Jehovah's Witnesses but also beat several of the men, searched the premises without a warrant, verbally abused those in attendance, and confiscated money, computers, and the congregation's Bible literature. The police took many Witnesses to the police station and held them for hours. Six foreign nationals serving as ministers were detained for several days and then deported. The television broadcast of the raid vilified the Witnesses.

These events of December 24, 2006, became the subject of the first application that Jehovah's Witnesses filed with the European Court of Human Rights (ECHR) against Azerbaijan. Since then, the Witnesses have filed 18 additional ECHR applications on violations of religious freedom.

Applications regarding Azerbaijan filed with the ECHR, as of January 31, 2014

Causes for applications

Police Raid	5
Re-registration	1
Manifesting Religious Belief	2
Censorship	5
Deportation	3
Conscientious Objection	3
Total	19

The following examples highlight some of the issues that Jehovah's Witnesses face in Azerbaijan and that prompt their appeal for justice to the ECHR.

• Denial of Reregistration

The Religious Community of Jehovah's Witnesses first registered in Baku on December 22, 1999, and re-registered on February 7, 2002, with the State Committee for Work with Religious Associations (SCWRA). In 2009, the Azerbaijan government amended its Law on Freedom of Religious Beliefs and required all religious communities to re-register. The Religious Community of Jehovah's Witnesses submitted an application, but the SCWRA rejected it based on a technicality. Although the government has not voided the 2002 registration, it refuses to grant reregistration under the new provisions of its religion law.

• Police Harassment and Persecution

Jehovah's Witnesses meet weekly in private homes for their religious services. On several occasions, police have forcibly entered private homes and interrupted these services without authorization. They have treated the attendees insolently, detained them for hours at the police station, and confiscated personal religious

literature used in worship. Some Witnesses have been given substantial fines. In 2011, six Witnesses in Ganja were convicted and fined a total of approximately \$12,000 (U.S.) for attending a religious meeting not authorized by the government. Police raids occurred most recently on January 11 and March 2, 2014.

· **Censorship of Literature**

Azerbaijan is the only Council of Europe member state * that has set up a system of compulsory censorship of religious literature, in violation of its own constitution. * The Bible literature the Witnesses import from other member states of the Council of Europe may be restricted in quantity or banned after censorship. The banned publications include numerous issues of *The Watchtower*, the Witnesses' semimonthly religious magazine. * Azerbaijani courts have dismissed the Witnesses' claims challenging the SCWRA's censorship.

International Scrutiny of Azerbaijan's Treatment of Religious Communities

A number of international human rights bodies have examined and made pointed observations about Azerbaijan's religion law and its treatment of religious communities.

· The 2013 Annual Report of the U.S. Commission on International Religious Freedom states: "Despite the Azeri government's claims of tolerance, the religious freedom situation has deteriorated, especially after passage of its restrictive 2009 religion law."

· A report by the European Commission against Racism and Intolerance (ECRI) expressed great concern for the restrictive conditions affecting religious communities. Regarding Azerbaijan's religion law, it stated: "ECRI strongly recommends that the Azerbaijani authorities bring the legislation. . . into line with the requirements of the European Convention on Human Rights."

· The Council of Europe's Venice Commission published detailed recommendations for change in Azerbaijan's Law on Freedom of Religious Beliefs. It stated: "The Law appears to contain several quite restrictive provisions which are against international standards. . . . Provisions regulating central issues such as the scope of the law and of the beneficiaries of the right to freedom of religion and conscience, the registration, the autonomy and liquidation of religious communities; the conscientious objection, the issue of proselytism, the publication and circulation of religious materials should be reformulated."

Valued Freedoms

Jehovah's Witnesses worldwide highly value the fundamental freedoms of expression, assembly, association, conscience, and religion. They are grateful to governments that allow them these rights. The small group of 2,500 Witnesses and those who worship with them in Azerbaijan hope to enjoy the religious freedoms accorded to other religions in their country.

Beating to extract "evidence"; conscientious objector gets one year's military detention

By Felix Corley

Forum 18 (08.05.2014) - Dashqin Vahabli was among nine Muslims fined nearly four months' average wages for attending a study session of the works of Islamic theologian Said Nursi in Baku. On 1 May he was summoned to the secret police where, he told Forum 18 News Service, he was beaten. Officers tried to force him to incriminate Eldeniz Hajiyev and Ismayil Mammadov for teaching religion "illegally". The two have been in secret police custody since 12 April and face up to three years' imprisonment if convicted. Secret police investigator Nadir Mustafayev did not answer Forum 18's repeated calls. Meanwhile 18-year-old Jehovah's Witness conscientious objector Kamran Shikhaliyev has appealed against his sentence of one year in a disciplinary military unit. He was forcibly conscripted in October 2013. Azerbaijan's failure to introduce a civilian alternative to military service is in defiance of its commitments to the Council of Europe, of which it becomes Chair on 14 May.

At least 10 people have been questioned by Azerbaijan's National Security Ministry (NSM) secret police in the capital Baku, as the NSM collects "evidence" in the criminal case against two Muslims, Eldeniz Hajiyev and Ismayil Mammadov. Both were detained after an armed police raid on a meeting in a private home to study the works of late Turkish Sunni Muslim theologian Said Nursi. One of those questioned – Dashqin Vahabli – told Forum 18 News Service he was beaten by NSM officers on 1 May, as they tried to pressure him to sign incriminating statements.

"The [NSM secret police] officers insulted me and beat me to pressure me to sign a statement that Eldeniz and Ismayil had gathered people illegally to teach them religion," Vahabli told Forum 18 from Baku on 6 May. "But I refused." He said that the NSM had summoned him by telephone for questioning twice more since 1 May, but that on those occasions he was not beaten. He added that others who had been summoned for questioning had not complained of being beaten.

Hajiyev and Mammadov are in Baku's NSM secret police Investigation Prison, 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.

Meanwhile, seven months after his detention and forcible conscription into the army, 18-year-old Jehovah's Witness conscientious objector Kamran Shikhaliyev has appealed against his criminal prosecution and sentence of one year in a disciplinary military unit (see below).

Also, an apparent police list of "banned" books has been made public. Most of the banned books are Islamic texts such as those by Nursi, but the list also includes the Old Testament and Jehovah's Witness texts.

Despite these and other long-standing systemic multiple violations of its Council of Europe obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms, Azerbaijan takes the Chair of the Council of Europe on 14 May.

No answers

The criminal investigation of Hajiyev and Mammadov is in the hands of NSM investigator Nadir Mustafayev. However, his telephone went unanswered each time Forum 18 called between 6 and 8 May. The telephone of the NSM secret police press office in Baku likewise went unanswered each time Forum 18 called on 8 May.

Forum 18 was thus unable to find out why the NSM secret police thinks the two men should be investigated for possible criminal prosecution simply for meeting with others to discuss their faith, why the NSM thinks they need to be held in pre-trial detention as the investigation proceeds, and why at least one of the 10 summoned for questioning was beaten to pressure him to sign what he insists was a false statement.

Raids, arrests, fines

Hajiyev and Mammadov have been under arrest since a 12 April armed police raid on Muslims studying Nursi's writings in Hajiyev's Baku home. On 14 April, Baku's Sabail District Court ordered that they be held for two months in pre-trial detention.

The Baku raid was one of three known police raids in April on Muslims who study Nursi's works. In addition to the NSM arrests of Hajiyev and Mammadov, at least 11 others present in the raided homes have been fined, nine in Baku, at least one in Goychay and one in Qazax. A further individual in Qazax was imprisoned for seven days.

No religious books allowed

Both Hajiyev and Mammadov have been held since their arrest at Baku's NSM secret police investigation prison. "Conditions there for my client are OK, and he has not been beaten," Hajiyev's lawyer Nizami Abbasov told Forum 18 on 8 May. "However, he wanted to have the Koran and other religious books, but that was forbidden. He is not allowed any books." Abbasov added that Hajiyev is not prevented from praying.

As Forum 18 was unable to reach the NSM press officer or investigator in the case against Hajiyev and Mammadov, it was unable to find out why Hajiyev is being denied access to religious literature of his choice while in detention.

The NSM secret police Investigation Prison is on the upper floor of the main NSM building in Baku. The address:

Milli Tahlükasizlik Nazirliyinin
Istintaq Tacridxanasi
Parlament Prospekti 14
Baku AZ1006
Azerbaijan

Strasbourg appeal

Baku Appeal Court rejected Hajiyev's appeal against his arrest and pre-trial detention on 23 April. His lawyer Abbasov received the written decision only on 7 May. "We are now discussing how to proceed, and we are preparing to lodge an appeal to the European Court of Human Rights in Strasbourg," Abbasov told Forum 18.

"The arrest and detention were both illegal," he insists. He points out that many works by Nursi were confiscated as "illegal" during the raid. "But we have assessments from the State Committee for Work with Religious Organisations approving these works in Azerbaijan".

Eleventh known April Muslim fine

On 30 April, Judge Elnur Jebiyev of Qazax District Court found 35-year-old Murad Agayev guilty under Administrative Code Article 299.0.2. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

Agayev only "offence" was that he reads Nursi's works. He was fined 1,500 Manats, fellow Muslims told Forum 18.

A fine of 1,500 Manats (11,250 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars) represents nearly four months' average wages, according to the State Statistics Committee.

On 18 April, the same judge at the same court had sentenced another man detained during the previous day's raid on Agayev's home, 45-year-old Aqil Ahmadov, to seven days' imprisonment. He was punished for "resisting the police" under Administrative Code Article 310.1.

Appeals against fines rejected, postponed

In addition to being questioned by the NSM secret police in the criminal investigation of Hajiyev and Mammadov, Vahabli was also one of nine Muslim readers of Nursi's works fined for taking part in the 12 April meeting in Hajiyev's Baku home raided by armed police.

All nine – including Vahabli, Ferrukh Yarali and Ibrahim Abdullayev - were fined 1,500 Manats each at Baku's Yasamal District Court on 14 April. All were punished under Administrative Code Article 299.0.2. All nine lodged appeals to Baku Appeal Court in late April.

Vahabli's was one of the first two appeals due to have been heard at Baku Appeal Court. Initially set for 7 May, his appeal was postponed until 8 May, when Judge Aflatun Qasimov left the conviction and fine unchanged.

"Even before the appeal, the bailiffs at the lower court were demanding that I pay the fine," Vahabli complained to Forum 18.

Judge Vuqar Mammadov was due to hear Yarali's appeal on 7 May. However, this was postponed until 8 May and then again until 12 May, according to the court website. Judge Mammadov is due to hear the appeal of another of the nine, Abdullayev, on 14 May.

Conscientious objector sentenced

On 16 April, Judge Vugar Ahmadov of Jalilabad Military Court in southern Azerbaijan sentenced Jehovah's Witness conscientious objector Shikhaliyev to one year in a disciplinary military unit, the court chancellery told Forum 18 on 8 May. He was punished under Criminal Code Article 335.1 ("Evasion of military service by causing harm to health or in another way").

Conditions in disciplinary military units are governed by Articles 138-153 of the Code of Enforcement of Punishments. These specify that those held there are allowed to write letters and make phone calls, and receive periodic visits. They can be required to work in the military unit and can be punished for failing to abide by the rules, most seriously by up to ten days in solitary confinement.

However, Jehovah's Witnesses – who reject any activity linked to the military – would find any assigned work within the military unit and military training that might be ordered as unacceptable. In addition, while in the disciplinary military unit, individuals are assumed to be members of the armed forces, which would contradict Jehovah's Witnesses' conscientiously-held beliefs.

On 6 May, Shikhaliyev's lawyer filed an appeal against his conviction to Shirvan Appeal Court, Jehovah's Witnesses told Forum 18. "The appeal arrived by post today, and we will send it on to the Appeal Court within ten days," the Jalilabad Military Court chancellery told Forum 18. The official told Forum 18 that Judge Ahmadov was unavailable.

Forcibly conscripted

Shikhaliyev, a Jehovah's Witness from Baku, rejected compulsory military service on grounds of religious conscience. He was seized at the city's Nizami District Conscription Office on 10 October 2013 as he responded to a call-up notice, two days after his 18th birthday. Officials denied to Forum 18 that he had been detained, just sent to a military unit. He was eventually transferred to Military Unit No. 704 in Lankaran in south-eastern Azerbaijan.

Azerbaijan has failed to honour its commitment to the Council of Europe ahead of its accession in January 2001 "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".

Two Council of Europe bodies - the Venice Commission and the European Commission against Racism and Intolerance – have condemned Azerbaijan's failure to introduce a civilian alternative to military service. The United Nations Human Rights Committee has been among other bodies also to criticise Azerbaijan, including for this failure.

Despite these and other long-standing systemic multiple violations of its Council of Europe obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms, Azerbaijan takes the Chair of the Council of Europe on 14 May.

Appeal rejected

Meanwhile, on 5 May Judge Vaqif Mursaqulov of Baku Appeal Court rejected Taleh Bagirov's appeal against his conviction and imprisonment, according to the court website.

The 29-year-old Islamic theologian and preacher Bagirov was arrested with his driver Anar Melikov on 31 May 2013. Melikov was given a 19-month prison term in August 2013. Bagirov was given a two-year strict regime prison sentence on 1 November 2013. He was found guilty of possessing just over one gram of heroin, in an accusation his supporters insist was fabricated to punish him for his religious and political activity.

Azerbaijan: Muslim Nursi texts, Old Testament, and Jehovah's Witness texts "banned"

By Felix Corley

Forum 18 (06.05.2014) - Members of several religious communities in Azerbaijan have expressed concern to Forum 18 News Service over texts included in a list of banned books. The list 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 late Turkish Islamic theologian Said Nursi, as well as two Jehovah's Witness publications, including their magazine "Watchtower" (which appears twice).

"Some of the most radical and dangerous banned religious books"

The list of what Baku-based APA news agency described as "some of the most radical and dangerous banned religious books" was published by them on 5 May, three days after President Ilham Aliyev abruptly dismissed Elshad Iskenderov. He had been Head of the State Committee for Work with Religious Organisations since 2012 (see below).

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. However, members of several religious communities told Forum 18 that even if the list is not an official list provided by the State Committee directly, it might be used by police to seize further copies of religious publications from individuals' homes.

The State Committee itself in 2013 claimed it would publish a list of banned books, but has not yet done so (see below).

"Illegal" books confiscated

Numerous copies of works by Nursi have been frequently confiscated as "illegal" in raids on meetings or homes of Muslims who read his works. The most recent known raids and confiscations have been in Baku, Goychay and Qazakh in April. At least 11 people have been fined and two men remain in National Security Ministry (NSM) secret police custody under investigation on criminal charges.

Protestant literature, including personal Bibles, and Jehovah's Witness literature is also frequently confiscated as "illegal" in police raids on private homes.

What is on "banned" list?

Of the 28 works on the "banned" list supplied to APA, most are given with titles only, though some also have a named author. No publication details are given for any of them. 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, including for example Nursi's Risale-i Nur. "Judging by the titles of others they are Shiite and relate to its religious ideology and history", one Muslim told Forum 18 from Baku on 6 May. "Some of them express hatred of Wahhabism/Salafism. One – entitled 'The consequences of Jewish evil' – appears to be an anti-Semitic text."

As well as the "Holy Book – Old Testament", the list also includes two Jehovah's Witness publications. One – their monthly magazine "Watchtower" – appears twice in the list, once under its title and once under its subtitle. The other work is the Azeri translation of the booklet "Who are doing Jehovah's will today?".

Concern and outrage over Old Testament "ban"

The Baku Muslim expressed surprise and concern to Forum 18 at the inclusion of the Old Testament. Christians from a variety of churches – including Pastor Ilya Zenchenko of the Baptist Union - have also expressed concern and outrage to Forum 18 over the inclusion of the Azeri-language translation of the Old Testament in the "banned" list.

One Christian pointed out to Forum 18 that some local Jews also use this Azeri language Old Testament as the Azeri translation of their Bible.

"We need to pray to God for wisdom as to how to respond to this ban on the Holy Scriptures in Azerbaijan," one Protestant noted. "It could be a mistake, a lack of attention by officials and irresponsible attitude to Sacred Scripture. Or it could be an intentional act."

Tight censorship

Azerbaijan has long imposed tight censorship on all religious literature and items produced in Azerbaijan or imported into the country, and such items have long been confiscated in raids on private homes as "illegal". Both the Criminal Code and the Code of Administrative Offences provide punishments for "illegal" distribution of religious literature.

Orhan Mansurzade, Head of the Information Department of the Interior Ministry in Baku, which oversees the police, refused to discuss why police raid private homes and seize religious literature. "Everything is done in accordance with the law," he claimed to Forum 18 on 6 May. "The reasons are explained in the statements we put on our website in individual cases."

Told that police statements on the confiscation of religious literature in such raids merely state that the literature is confiscated without providing any basis for this action, Mansurzade told Forum 18: "Ask the State Committee for Work with Religious Organisations – it's within their competence." He then put the phone down.

State Committee officials are normally reluctant to provide any legal basis for their actions, including participation in raids, which routinely violate Azerbaijan's international human rights obligations.

"Bans" disputed

Several religious communities told Forum 18 that they had contacted the State Committee after the 5 May APA publication of the "banned" list. State Committee officials told them adamantly that the list was "false" and did not come from them. Pastor Zenchenko, one of those who approached the State Committee over the Old Testament "ban", asked officials to put this in writing. "They told me they could do nothing until a new Head is appointed," he told Forum 18.

Muslim readers of Nursi's works – who have faced repeated raids and confiscations of their literature over many years – point out that as recently as December 2013, the State Committee wrote to one of them indicating that it did not regard Nursi's Risale-i Nur collection of writings as dangerous or extremist.

The remarks came in a 19 December 2013 State Committee "expert analysis" of confiscated Nursi materials sent on by State Committee Deputy Chair Gunduz Ismayilov on 23 December 2013 and seen by Forum 18. "So his writings are not banned," one Nursi reader who has seen these documents insisted to Forum 18 from Baku on 6 May. "And even if it was I'd carry on reading them."

But despite this, the Risale-i Nur is routinely confiscated by police in raids.

Similarly, Jehovah's Witnesses pointed out to Forum 18 that while the State Committee has refused permission to import some copies of the "Watchtower", it approved the import of other issues of the magazine.

In 2011 a Baku court overturned an arbitrary State Committee ban on the magazine's import, but this ruling was itself subsequently overturned.

New Testament request stalled for five months

On 26 November 2013, in a letter seen by Forum 18, Pastor Zenchenko of the Baptist Union wrote to then State Committee chair Iskenderov asking for permission to print 3,000 copies of the Azeri-language New Testament.

"The State Committee has repeatedly refused to reply to this request in writing, despite our numerous requests," Pastor Zenchenko complained to Forum 18 on 6 May. "Verbally the Head of the Expert Analysis Department and the Head of the State Committee's Department for Baku insisted to me several times to write a new request, putting 1,000 rather than 3,000 as the quantity."

Pastor Zenchenko said he had refused to change and resubmit the request, as he saw nothing wrong with the original request. He also pointed out that if he resubmitted the request with a new date, that would give the State Committee an excuse to delay any response even further. "So more than five months have gone with no written response. They refuse to work competently with religious communities."

Each time Forum 18 reached the "Expert Analysis" Department at the State Committee on 6 May, the official who answered it put the phone down as soon as Forum 18 began to introduce itself.

The telephone of the State Committee's official for Baku, Nizami Huseynov, went unanswered each time Forum 18 called on 6 May.

It has for many years been difficult to import shipments of the New Testament and other religious texts. This leads to many religious communities wanting to print texts, but the censorship regime makes it very difficult to obtain permission for this.

Information "from police"

Hafiz Heydarov, the APA journalist who published the list, told Forum 18 from Baku on 6 May that the list was provided by the police. They had compiled it based on religious publications they have confiscated on the basis of assessments by the State Committee.

Late on 5 May, Forum 18 asked Orhan Ali, spokesperson for the State Committee, in writing whether the "banned" list was compiled with information from the State Committee and whether it includes all the religious books the government has banned. Forum 18 also asked for clarification as to whether the Old Testament of the Christian Bible is indeed the item specified on the list. Forum 18 had received no response by the end of the working day in Baku on 6 May.

On 21 April, Forum 18 had also asked spokesperson Ali: "Are writings by Said Nursi (including Risale-i Nur) banned in Azerbaijan? If so, who banned them and when?" He has also not replied to that question. The State Committee and other state bodies have

repeatedly refused to say if Nursi's works are banned and, if so, which agency took the decision, when and why.

State Committee list not published

State Committee officials have repeatedly stated that they have a list of banned books, but have repeatedly declined to make it public. Forum 18 has been seeking – in vain – a copy of the list of religious books the State Committee has refused to give permission for.

Then State Committee Head Iskenderov said in April 2013 that the State Committee was preparing to publish "soon" a list of religious publications it has banned. Spokesperson Ali told Forum 18 later that month that it was still not possible to supply the list. "Work in this direction is currently in progress. This will be announced in the near future".

Despite these claims, the State Committee has not yet published any list.

State Committee Head fired

Few people appear to be surprised by the abrupt sacking on 2 May of Iskenderov as Head of the State Committee. The local press had claimed his name was second on a list of adherents of the Pennsylvania-based Turkish imam Fethullah Gulen among senior Azerbaijani officials. The list was reportedly handed over to Azerbaijan's President Aliiev by Turkish Prime Minister Recep Tayyip Erdogan during his 4 April visit to Baku. (Erdogan is involved in a struggle against alleged Gulenists and others he thinks oppose his rule in Turkey.)

Unusually, the 2 May presidential decree sacking Iskenderov said nothing about any future work that would be offered him and no accompanying decree named any successor as Head of the State Committee.

Iskenderov, whose father was a senior member of Azerbaijan's branch of the KGB secret police in the late Soviet period, was himself taken on by the NSM secret police in the early 1990s, a 27 April article on haqqin.az claimed. After working in the diplomatic service Iskenderov was appointed to head the State Committee in May 2012.

Members of various religious communities told Forum 18 privately that they are not unhappy to see him removed from his job. They say he did little to help protect religious freedom.

In a 19 April letter to President Aliiev, Baku's Baptist community had complained about how little it believed Iskenderov had done to support their rights. "It is notable that the Chairman devotes more energy to international contacts and meetings than to ensure competent work by the State Committee for Work with Religious Organisations of our country," the letter, seen by Forum 18, complained. "Since his appointment as new Chairman, numerous attempts to meet him were unsuccessful." The Baptists also complained in the letter that the State Committee has failed to respond to the Baptist's November 2013 request for permission to print copies of the New Testament (see above).

The State Committee has also refused to re-register any Baptist congregation since major changes were made to the Religion Law in 2009. Many other religious communities have similarly had re-registration applications rejected or ignored.

Baku's Baptist community also complained that the State Committee had failed to take any action to help the Church recover its 19th century-built church in central Baku, confiscated during the Soviet period.

Under a 28 February 2014 presidential decree, President Aliev appointed Kamal Abdullayev as an advisor on "inter-ethnic, multicultural and religious affairs", based in the Presidential Administration. Abdullayev is from an academic background and had headed the Baku Slavic University since 2000.

It has been rumoured in Baku that the State Committee will be moved from the control of the government as a whole to the control of the Presidential Administration, to be overseen by Abdullayev. Forum 18 was unable to reach Abdullayev on 6 May to find out if this is due to happen.

Azerbaijan: Three year prison terms for Koran study?

By Felix Corley

Forum 18 (28.04.2014) - Two Muslims from the Azerbaijani capital Baku - Eldeniz Hajiyev and Ismayil Mammadov - are under criminal investigation on charges of "Creation of a group carrying out activity under the pretext of spreading a religious faith", the lawyer for one of the men Nizami Abbasov told Forum 18 News Service. The charges carry a maximum three-year prison term. Two days after their 12 April arrest, a court ordered two months' pre-trial detention. The two - both readers of Islamic theologian Said Nursi's works - are being held in Baku's NSM secret police investigation prison. Hajiyev "told me he reads the Koran and studies with his friends and does nothing against anyone," Abbasov told Forum 18. "Of course he has the right to do this." After a separate raid in the north-western town of Qazax, another Nursi reader was given a seven-day prison term.

Two Muslims who study the works of the late Turkish Muslim theologian Said Nursi with others to help their understanding of the Koran are in prison under criminal investigation on charges that carry a maximum three-year prison term, the lawyer for one of the men told Forum 18 News Service. The two - Eldeniz Hajiyev and Ismayil Mammadov - were arrested on 12 April in a raid on a private home in the Azerbaijani capital Baku. Both are being held at the city's National Security Service (NSM) secret police investigation prison under two-month preliminary pre-trial detention.

Both Hajiyev and Mammadov are being investigated under Criminal Code Article 168.2, Hajiyev's lawyer, Nizami Abbasov, told Forum 18 from Baku on 28 April. 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.

The investigation is in the hands of the NSM Investigation Department, with Shahin (last name unknown) as the lead investigator, Abbasov added.

Forum 18 is not aware that Criminal Code Article 168 has been used to punish individuals for exercising the right to freedom of religion or belief. Prosecutors told Baptist Pastor Telman Aliev a criminal case had been opened against him under this Article after a

December 2011 raid on his church in the southern town of Neftechala during a meeting for worship. However, criminal prosecution did not follow, though he was fined under the Administrative Code

Are Nursi's books banned?

Over recent years, police and NSM secret police officers have seized thousands of copies of Nursi's works in raids on individuals' homes across Azerbaijan, particularly copies of his 14-volume collection of writings Risale-i Nur (Messages of Light). Officers have repeatedly insisted that the works were confiscated because they are "illegal". However, officials of the State Committee for Work with Religious Organisations and other state bodies have repeatedly refused to say if Nursi's works are banned and, if so, which agency took the decision, when and why

On 21 April, Forum 18 asked State Committee spokesperson Orhan Ali: "Are writings by Said Nursi (including Risale-i Nur) banned in Azerbaijan? If so, who banned them and when?" Ali's 24 April response to other questions posed at the same time included no response to this question. Forum 18 re-sent the question on 25 April but had received no further response by the end of the working day in Baku on 28 April.

No-one at the State Committee's "Expert Analysis" Department in Baku was prepared to talk to Forum 18 on 28 April. As soon as he heard Forum 18's questions, the official who answered the phone hung up. The same happened each time Forum 18 called back.

However, the local APA news agency wrote on 21 April that the State Committee banned the Risale-i Nur collection in late 2012, though it gave no source for its report. "Since then the import of this book into Azerbaijan is also banned," it added. The news agency also revealed the difficulty of establishing the facts. "Although APA has repeatedly sent an enquiry to the State Committee, it has not been possible to find out their attitude to this question."

Three April raids

The criminal cases against Hajiyev and Mammadov followed a 12 April raid on Hajiyev's home in Baku's Yasamal District by police armed with automatic weapons. Nine others who were present at the meeting were fined. The day before the Baku raid, police in the central city of Goychay raided a meeting attended by about 70 people who read the works of Nursi. The home-owner was fined.

On 17 April, police raided a private home in the town of Qazax, close to Azerbaijan's north-western borders with Armenia and Georgia. One Nursi reader was imprisoned for seven days, while another also faced administrative punishment (see below).

No comment

An officer of the NSM secret police, who would not give his name, took down Forum 18's questions on 28 April about the criminal investigation against Hajiyev and Mammadov. However, after apparently trying to transfer the call to a colleague who might be able to answer Forum 18's questions about it, the officer declined to say why they are being investigated for meeting with others to discuss their faith. He referred all enquiries to NSM press officer Arif Babayev. However, phones there went unanswered each time Forum 18 called the same day.

Ali, spokesperson for the State Committee, declined to explain to Forum 18 why individuals – such as Hajiyev and Mammadov – face police raids, literature confiscations and criminal or administrative punishments for exercising the right to freedom of religion or belief.

"These are issues in the competence of law enforcement agencies rather than the State Committee," he emailed Forum 18 from Baku on 24 April. (He has repeatedly told Forum 18 he does not answer telephone enquiries.)

Hajiyev "does not consider himself guilty"

"My client does not consider himself guilty," Abbasov told Forum 18. "He told me he reads the Koran and studies with his friends and does nothing against anyone. Of course he has the right to do this."

Abbasov said he had been able to visit Hajiyev three times in Baku's NSM secret police investigation prison since taking on his case, most recently on 25 April. "His health is reasonable and he has not been maltreated."

Human rights defender Elchin Behbudov, head of the Azerbaijani Committee against Torture, and his deputy Elchin Shirinov also met Hajiyev during a monitoring visit to the NSM secret police investigation prison.

"He doesn't consider himself guilty," Behbudov told APA news agency on 17 April. "Eldeniz Hajiyev says he gathered a group of 30 to 40 people to study the Koran together. There were no complaints about detention conditions or the way he is being treated."

Challenging their arrest

On 14 April, two days after Hajiyev and Mammadov were arrested, Judge Elshad Shamayev of Baku's Sabail District Court ordered that they be held for two months in pre-trial detention, the court chancellery told Forum 18 on 28 April. Such detention can then be extended at further court hearings.

After hearings on 22 and 23 April, Baku Appeal Court rejected the men's appeal against the pre-trial detention orders. Hajiyev's lawyer Abbasov told Forum 18 that as soon as he gets this decision in writing, he will try to challenge it further.

Did police steal from house?

The private home where Hajiyev and Mammadov were arrested during the police raid has now been unsealed, Nursi readers told Forum 18. For some days after the 12 April raid, armed police prevented anyone from entering. "Everything had been broken and watches, shoes, clothes, carpets, and even saucepans and a vacuum cleaner had been stolen," Nursi readers complained to Forum 18. "When our friends called the police emergency number 102, they wouldn't respond."

Hajiyev's lawyer Abbasov also told Forum 18 that his client is concerned about the state the police left his home in when they finally left and what appears to have been the theft of his property.

Forum 18 was unable to find out from Yasamal District Police if and why items were stolen from Hajiyev's home while it was under police control. The telephone of District Police chief Ismayil Asadov went unanswered each time Forum 18 called on 28 April. The duty officer put the phone down as soon as Forum 18 asked about why property appears to have been stolen.

Qazax raid

Meanwhile, the 17 April police raid in Qazax was on a private home owned by Mahmud

Qasimov, who police told the APA news agency lives in Russia. Police detained two men at the home, 35-year-old Murad Agayev and a 45-year-old visitor from Baku Aqil Ahmadov, and took them to the police station. Officers told APA that they received information about religious classes conducted in the home and claimed that the two men were "illegally teaching the Nurcu sect".

The house search revealed Muslim books, as well as seven sofas and four beds with bed linen which police say was for people attending religious classes to use during their stay.

"Police raided the home without a warrant," Nursi readers complained to Forum 18. "No meeting was underway at the time and only two people were there." Asked why they believe police raided the private home, one Nursi reader responded: "Murad reads Risale-i Nur."

Officers seized 175 "illegal" books "promoting the Nurcu movement". The books were sent to Nahid Mamadli of the State Committee's "Expert Analysis" Department in Baku, Asif Aliyev of the State Committee's Western Department told Forum 18 from Gyanja [Gäncä] on 28 April.

Asked why religious books are confiscated from individuals in police raids, Aliyev said he did not know. "I wasn't there and I haven't read these books," he told Forum 18. "Ask Qazax police."

The telephone of Qazax District Police chief Zohrab Ismayilov went unanswered each time Forum 18 called on 28 April. The duty officer refused to transfer Forum 18 to anyone else and referred all enquiries to the Interior Ministry in Baku. He then put the phone down.

The telephone in Baku of Interior Ministry press department deputy head Ehsan Zahidov went unanswered each time Forum 18 called on 28 April. No other officials from the department were willing to discuss the raids and punishments either.

7-day punishment - and fine?

Detained on 17 April during the raid, Agayev and Ahmadov were held overnight. On 18 April, Agayev was freed, but Ahmadov was taken to Qazax District Court. He was accused of "resisting the police" under Administrative Code Article 310.1. Judge Elnur Jebiyev found Ahmadov guilty and gave him a seven-day prison term.

Investigations against Agayev began under Administrative Code Article 299.0.2. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats. The maximum fine of 2,000 Manats (15,000 Norwegian Kroner, 1,850 Euros or 2,550 US Dollars) represents nearly five months' average wages, according to the State Statistics Committee.

Agayev was ordered to appear before Judge Jebiyev at the same court on 23 April. However, the case was then adjourned until 28 April, Nursi readers told Forum 18.

Reached on 28 April, the man who answered Judge Jebiyev's phone hung up as soon as Forum 18 asked about Agayev and Ahmadov. Other court officials reached the same day refused to say whether any punishment had been handed down on Agayev on 28 April. Fellow Nursi readers were expecting a fine.

Prosecutions continue

Administrative cases continue against other individuals for exercising their right to

freedom of religion or belief. On 9 April Judge Mirpasha Huseynov of Baku Appeal Court upheld the punishment given to Vidadi Umudov. The following day, Judge Qail Mammadov of the same court upheld the punishments handed down to Elchin Agayev and Badirkhan Jabrayilov, according to the court website.

All three had been punished earlier in 2014 at Baku's Binagadi District Court under Administrative Code Article 299.0.3. This punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups" with fines for individuals of between 1,500 and 2,000 Manats.

Defending increased controls

State Committee spokesperson Ali defended new controls on religious activity set out in new State Committee regulations. The new Regulations for the Implementation of Control Measures over Religious Communities were announced in mid-April as aiming to "ensure the legality of the activity of religious communities and give them legal assistance".

"The main focus of Inspections will be to check the activity of religious communities against conformity with the national legislation and their charter, using illegal or malicious religious literature, as well as whether the religious associations promote religious hatred or discrimination," Ali told Forum 18. "According to the results of the inspections, legal advice will be provided in order to bring their activities in conformity with legislation. At the same time, in case of serious violations administrative and procedural measures will be implemented as necessary."

Azerbaijan: Four days incommunicado at secret police – so far

By Felix Corley, Forum 18 News Service

Forum 18 (16.04.2014) - The NSM secret police has been holding two Muslims incommunicado since 12 April, including a man who offered his Baku home for a Muslim study session, Muslims who know them told Forum 18 News Service. Eldeniz Hajiyev and fellow Nursi reader Ismayil Mammadov were seized after an armed police raid on the meeting. Forum 18 was unable to reach anyone at the NSM secret police in Baku to find out where the men are being held and why. Nine others present were fined more than three months' average wages each. Fined the same day by the same court was a Shia Muslim theologian who had been teaching his faith in the same Baku district. Azerbaijan has tight government controls on exercising the right to freedom of religion or belief. Meetings for worship or religious education, or selling religious literature without state permission are banned and punishable.

Four days after a 12 April armed police raid on Muslims studying the writings of the late Turkish Sunni Muslim theologian Said Nursi, the home owner Eldeniz Hajiyev and another person present Ismayil Mammadov are still being held incommunicado by the National Security Ministry (NSM) secret police, fellow Nursi readers told Forum 18 News Service from Azerbaijan's capital Baku. Nine others who attended the Baku meeting have already been fined.

Also fined by the same court on the same day to punish him for teaching his faith was a

Shia Muslim theologian. His lawyer says he will be appealing against the fine, "even to the European Court of Human Rights".

The raids come as the State Committee for Work with Religious Organisations has prepared Regulations for the Implementation of Control Measures over Religious Communities. These seem set to tighten still further the government control over all aspects of religious communities (see below).

Azerbaijan has constructed a complex labyrinth of steadily increasing "legal" restrictions on and punishments for exercising freedom of religion or belief. Unregistered religious activity, publication or distribution of uncensored religious literature and unapproved religious education are all banned and punishable. The aim appears to be to help impose state control of society, including any independent civil society activity, and to make all exercise of human rights dependent on state permission.

Orhan Ali, spokesperson for the State Committee, has told Forum 18 he does not answer questions by telephone. On 16 April Forum 18 asked him in writing: whether writings by Said Nursi - including his 14-volume collection of writings Risale-i Nur (Messages of Light) - are banned in Azerbaijan; if so, who banned them and when; why groups of Muslims who meet to study his writings were raided in Baku and Goychay and individuals punished; why the Shia Muslim teacher was punished; and why new regulations to inspect religious communities and their activities are needed.

Forum 18 had received no response by the end of the working day in Baku on 16 April.

First Yasamal District raid

At about lunchtime on 12 April, police in Baku's Yasamal District raided a private home where Shia Muslim theologian Zulfuqar Mikayilzade was teaching his faith to two groups of about ten people each, one group of men and one of women, his lawyer Rustam Zulfuqarov told Forum 18 from Baku on 16 April.

"Haji Zulfuqar is a theologian who knows the Koran by heart," the lawyer stressed. "He teaches his faith to adults on a voluntary basis – they choose to come or not and they don't have to pay anything." He said officers accused Mikayilzade of forming an unregistered Muslim community and teaching Islam without state permission.

Police took Mikayilzade, his driver and a journalist who was present to the police station, where they were held for 10 hours. They were not freed until 11 p.m.

Shia teacher fined

Mikayilzade was summoned to Yasamal District Court on 14 April. Judge Akshin Efendiyev found him guilty under Administrative Code Article 299.0.1 and Article 299.0.2, his lawyer Zulfuqarov told Forum 18. Mikayilzade was fined 2,000 Manats (15,000 Norwegian Kroner, 1,800 Euros or 2,500 US Dollars). This sum represents nearly five months' average wages, according to the State Statistics Committee.

Article 299.0.1 punishes "religious leaders who fail to register their communities with the state". Article 299.0.2 punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies".

"We consider the decision was illegal – this was a violation of freedom of religion, speech and assembly, above all freedom of religion," Zulfuqarov complained to Forum 18. He said as soon as they get the written court decision they will lodge an appeal to Baku Appeal Court. They are prepared to take the case to the European Court of Human Rights in Strasbourg if necessary, he added.

Zulfuqarov said neither Mikayilzade's driver nor the journalist was brought to trial.

Second Yasamal District raid

Police raided a private home owned by Hajiyev in Baku's Yasamal District on the evening of 12 April, according to Nursi readers and a statement the same day on the Interior Ministry website. A religious meeting was underway attended by 39 adult men and two of their children.

"These were not just ordinary police, but a special team who raided the house," a Nursi reader who asked not to be identified for fear of state reprisals told Forum 18 from Baku. "They broke down the doors and had automatic weapons in their hands."

Officers told those attending the religious meeting that they had to have registration as a religious organisation before they were legally able to meet, the Nursi reader complained. Officers seized all the religious literature they could find, including hundreds of books by Nursi. They also seized individuals' mobile phones.

Almost all of those present were forced into three waiting buses and taken to the police station. Many were held there for two days. "Relatives were worried, because they could not get hold of them by phone and had no idea where they were," a Nursi reader who knows those who were detained told Forum 18. When they found out where they were, they were able to bring them some food as they were given nothing to eat at the police station."

Officers forced the detainees to sign records of an offence. One detainee had to be taken to hospital in an ambulance after suffering shock brought on by violence from a police officer Adalet Aliyev, the Nursi reader said.

Secret police take two men

Hajiyev and Mammadov were taken by the NSM secret police. "No one knows where they are or where they have been taken," Nursi readers complained. As of the evening of 16 April, they had heard no news of them.

Forum 18 was unable to reach anyone at the NSM secret police in Baku to find out where the men are being held and why.

Meanwhile, police remain outside Mammadov's house in Baku. "Now they are patrolling in front of the house and no one is allowed to enter," Nursi readers told Forum 18.

Nine Nursi readers fined

Nine of the men present on 11 April were summoned to Baku's Yasamal District Court for hearings on 14 April, the same day that Mikayilzade was fined. Various judges at the court found that each had violated Article 12 of the Religion Law. Each was fined 1,500 Manats under Article 299.0.2 of the Administrative Code. The court hearings were closed, one Nursi reader lamented to Forum 18 from Baku.

No official comment

The assistant to Yasamal District Police chief Ismayil Asadov, who would not give his name, insisted the initiative for the raid on the Nursi readers came "from above", not from the police chief, he told Forum 18 on 16 April. He then refused to discuss anything else, including the raid on the teaching session led by Mikayilzade. He referred Forum 18

to another Yasamal District Police number. However, the man who answered the phone – who would not give his name – refused to give any information and put the phone down.

Forum 18 was thus unable to get a response to claims that Officer Aliyev allegedly used violence against one of the detainees at Yasamal District police station. Forum 18 was also unable to reach Officer Aliyev.

The man who answered the phone of Nizami Huseynov, the representative of the State Committee for Baku, confirmed to Forum 18 on 16 April that the Yasamal District raids and subsequent fines had taken place. However, he then said that he was not Huseynov, that Huseynov was out of the office, and that he knew nothing. He then put the phone down.

First Goychay raid

Police in the central city of Goychay raided a meeting in a private home owned by Zakiriyya Mamedov, where Nursi readers were discussing his writings on Islam. However, after talking to those present, officers admitted there had been a "misunderstanding", apologised and left, a Nursi reader familiar with the events told Forum 18 from Baku.

Second Goychay raid

However, on 11 April, a day or two after the first raid, Goychay police returned to Mamedov's home in a "special operation". A meeting was underway, attended by up to 70 people, including many from other parts of Azerbaijan and several visiting from Turkey. Police "discovered and removed" 545 copies of "the banned book Risale-i Nur of the Nurchu sect", other publications and 61 Nursi-related discs, the Interior Ministry noted on its website on 14 April. Also seized were computer and mobile phone memory cards.

Officers also took "an optical gun sight, a souvenir knife, a bullet from an automatic gun, 27 shooting targets, as well as military clothing and a world map". The Baku-based Nursi reader insisted to Forum 18 that these items were for hunting.

On 14 April police raided the Goychay home of one of those who had been present three days earlier, Ilham Hamidov. Officers discovered and seized 20 copies of Risale-i Nur.

Police detained all these and forced them to write statements about what they had been doing. They were then released.

The home owner Mamedov was fined 200 Manats for "resisting the police" (Administrative Code Article 310.1), as he had refused to open the door to the police on 11 April, Nursi readers told Forum 18. "He did not want to let them in because they had no warrant for the raid."

"I know nothing"

Goychay's police chief Faiq Ilyasov denied that any raid had taken place. "It wasn't an operation," he told Forum 18 on 16 April. Told that the Interior Ministry website had described it as a "special operation", he then said: "I know nothing." He then put the phone down.

Nizami Mammadov, the State Committee representative for Shirvan region, whose responsibilities include Goychay District, similarly claimed no knowledge. "I don't know anything," he told Forum 18 from Agdash on 16 April. "I can't say anything." He too put the phone down.

"Special religious meetings" punished

Among other recent cases, Baku resident Rasul Ismayilov was punished in early 2014 by Baku's Binagadi District court under Administrative Code Article 299.0.3. This punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups". Punishment for individuals is a fine of 1,500 to 2,000 Manats.

Ismayilov appealed to Baku Appeal Court. However, on 8 April Judge Faiq Qasimov rejected his appeal against the punishment, the court website notes.

Case dropped

Police in Baku's Narimanov District, accompanied by officials of the Police Public Security Directorate, raided two local shops where religious literature was on sale without permission. Forty "banned" religious books and ten disks were seized from a shop owned by Revanur Albukayra, the Interior Ministry website noted on 14 February. Nineteen religious discs were seized from a shop owned by Arzuman Piriyeu.

Punishments are regularly imposed on those who sell religious literature which has not been approved by the State Committee and for which they do not have a licence from the State Committee. They can be prosecuted under Administrative Code Article 300.0.3, which punishes "selling religious literature, religious objects and information material in places not approved by the State Committee for the sale of such religious material". Individuals face a maximum fine of 2,500 Manats.

However, when Piriyeu was brought to Narimanov District Court on 19 March under Article 300.0.3, Judge Turqay Huseynov closed the case, the court website notes.

No one at the court was able to tell Forum 18 if Albukayra had been brought to court.

New control regulations

The aim of the new State Committee Regulations for the Implementation of Control Measures over Religious Communities is to "ensure the legality of the activity of religious communities and give them legal assistance", an unnamed Committee official told the local Trend news agency on 15 April.

The new Regulations would regulate more closely two types of control measures: "check-ups and inspections", the official added. "Check-ups" would examine whether religious communities are acting in accordance with the law and their registered statute, whether they are using "illegal or harmful religious literature", and whether they "allow religious hatred or discrimination in their propaganda".

When violations are found, the State Committee would offer "recommendations" to bring activity into line with the law. In cases of "serious law-breaking", administrative cases could be sent to court or other legal measures used.

The State Committee is giving a group of its employees "special training" on these new measures, it told Trend news agency.
