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Three Muslim prisoners of conscience jailed for 15 to 6 months for selling books

Forum 18 (10.07.2015) - Three of five Sunni Muslims arrested in Azerbaijan's capital Baku in February have been given prison terms for selling books and other religious items which have not undergone the state censorship. Azad Qafarov was given a 15-month prison term, Habibulla Omarov a one-year prison term and Salim Qasimov a six-month prison term, fellow Muslims who know them told Forum 18 News Service from Baku on 8 July.

The criminal trials continue of the other two of the group, Imam Mubariz Qarayev and Eyvaz Mammadov.

All five prisoners of conscience have been accused of selling books and other religious items illegally. They are also associated with the Sunni Lezgin Mosque in Baku's Old City which the government intends to forcibly close (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Imam Qarayev led prayers and preached at the Mosque.

Including the five Sunni Muslims, eight prisoners of conscience are being held in the National Security Ministry (NSM) secret police Investigation Prison in Baku because of their faith. The five Sunni Muslim prisoners of conscience were arrested by the NSM in February and have been held since then, along with two Jehovah's Witness prisoners of conscience and one Shia Muslim prisoner of conscience (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

On 4 July a Baku court added two more months of pre-trial detention to the two Jehovah's Witness prisoners of conscience in the NSM Investigation Prison, Irina Zakharchenko and Valida Jabrayilova. On 9 July the same court added another four months of pre-trial detention to the Shia Muslim prisoner of conscience in the Investigation Prison, theologian and translator Jeyhun Jafarov (see below).

In a separate case in Gadabay Region of western Azerbaijan, the leader of a group of Sunni Muslims was given a very large fine in early June and about 12 others were fined for alleged hooliganism. The fines followed a police raid on a meeting to study the works of Islamic theologian Said Nursi (see forthcoming F18News article).

In late June, Azerbaijani border authorities denied entry to Georgian Orthodox priest Fr Demetre Tetrushvili, who has served two Georgian Orthodox parishes in Azerbaijan's north-western Gakh Region for the past four years. With no priest now, the local Georgian Orthodox community has been deprived of the opportunity to hold the liturgy or receive other sacraments (see forthcoming F18News article).

These human rights violations are part of a wider continuing state crackdown on people exercising human rights. Azerbaijan's government has solemn international obligations to protect (see eg. <http://www.nhc.no/en/countries/europe/azerbaijan>).

Trials, prison sentences

All five Sunni Muslim prisoners of conscience had run several shops selling books and other religious items in Baku's Narimanov and Yasamal Districts. All are also associated with the Sunni Lezgin Mosque in Baku's Old City which the government intends to forcibly close (see [F18News 14 May 2015 \[http://www.forum18.org/archive.php?article_id=2061\]\(http://www.forum18.org/archive.php?article_id=2061\)](http://www.f18news.com/2015/05/14/may-2015-http://www.forum18.org/archive.php?article_id=2061)). Imam Qarayev led prayers and preached at the Mosque.

All the five Sunni Muslim prisoners of conscience are being tried under Criminal Code 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats, or up to two years' imprisonment.

Four of the cases (Qafarov, Omarov, Qarayev and Mammadov) were handed over for trial in early May to Baku's Narimanov District Court. Qasimov's case was handed to Yasamal District Court as this was where his shop was based.

Qafarov's trial at Narimanov District Court was the first to begin, with a preliminary hearing under Judge Turqay Huseynov on 18 May, according to court records. The trial proper began on the morning of 29 May, with further hearings on 8 and 19 June and 3 and 6 July. Qafarov denied any wrongdoing.

Judge Huseynov found Qafarov guilty at the final hearing on 6 July and handed down a 15-month prison term.

Omarov's trial at Narimanov District Court began next, with a preliminary hearing under Judge Rashad Abdulov on 19 May. The trial proper began on the morning of 27 May, with further hearings on 9, 19 and 30 June and 7 July. Omarov denied any wrongdoing.

Judge Abdulov found Omarov guilty at the final hearing on 7 July and handed down a one-year prison term.

Qasimov's trial took place at Yasamal District Court under Judge Azer Tagiyev. He denied any wrongdoing.

Because Qasimov has eight young children, Judge Tagiyev gave him a six-month prison term on 2 July.

Trials of two prisoners of conscience continue

Imam Qarayev's trial at Narimanov District Court began with a preliminary hearing under Judge Huseynov on 22 May. However, the Prosecutor told the hearing that day that preparation of the case had not been completed and asked for the hearing to be postponed. The second preliminary hearing was held on 27 May. The trial proper began on the morning of 8 June, with further hearings on 19 June and 3 and 6 July.

Imam Qarayev denies any wrongdoing. The prosecutor is demanding the maximum two-year prison sentence, his friends told Forum 18.

Mammadov's trial at Narimanov District Court began with a preliminary hearing under Judge Abdulov on 26 May. The trial proper began on the morning of 10 June (with a different Judge), with further hearings with Judge Abdulov on 19 and 24 June and 3 July. Mammadov denies any wrongdoing.

Prison transfers?

Following their convictions, prisoners of conscience Qafarov, Omarov and Qasimov are likely to have been transferred from the NSM Investigation Prison in Baku to Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District, their friends told Forum 18.

Prisoners of conscience Imam Qarayev and Mammadov remain in Baku's NSM Investigation Prison as their trials continue, the same prison where Jehovah's Witnesses prisoners of conscience Zakharchenko and Jabrayilova and Shia Muslim prisoner of conscience Jafarov are being held. The prison is located on the upper floor of the main NSM secret police building in Baku. Four more months of secret police detention

On 9 July, Judge Elshad Shamayev of Baku's Sabail District Court granted the prosecutor's suit to extend by four months the pre-trial detention of 43-year-old Shia Muslim prisoner of conscience Jafarov. He can now be held at the NSM Investigation Prison until 11 November. "Jeyhun's lawyer Javad Javadov intends to appeal against this extension to Baku Appeal Court," his friends told Forum 18 the same day.

Prisoner of conscience Jafarov was arrested on 10 March to punish him for exercising his right to freedom of religion or belief by being a translator of Islamic works and public broadcasts. The NSM secret police is investigating him on charge of treason under Criminal Code Article 274. If tried and convicted, he faces imprisonment of between 12 years and life (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

The same Judge Shamayev ordered that prisoner of conscience Jafarov be held in four months' pre-trial detention in March. Judge Shamayev also facilitated the government's pre-trial detention in 2014 and 2015 of other Muslim and Jehovah's Witness prisoners of conscience on grounds of religion or belief. He has refused to answer questions about his repeated jailings of prisoners of conscience (see F18News 9 April 2015 http://www.forum18.org/archive.php?article_id=2054).

Two more months of secret police detention

On 4 July, Baku's Sabail District Court granted the prosecutor's suit to extend by two months the NSM secret police pre-trial detention of the two female Jehovah's Witness prisoners of conscience, 55-year-old Zakharchenko and 38-year-old Jabrayilova, Jehovah's Witnesses told Forum 18 from Baku on 10 July. They can now be held at the NSM Investigation Prison until 17 September.

Prisoners of conscience Zakharchenko and Jabrayilova were arrested on 17 February to punish them for talking to residents near their homes about their faith in December 2014. They were ordered held in pre-trial detention for three months. The Judge noted that neither has previously been convicted, but held that their activity represented a "threat to the public" (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The investigation against both female prisoners of conscience continues under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The prisoners of conscience' appeal against their pre-trial detention was rejected on 26 February (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

Sabail District Court extended the two women's detention by a further two months in May. Defence attempts to have them transferred from prison to house arrest while the investigation continues have been rejected (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

As part of the investigation of the criminal case, the NSM secret police has summoned and interrogated at least 20 other Jehovah's Witnesses and searched at least 10 homes (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048). Additionally, NSM secret police officers, officials of the State Committee for Work with Religious Organisations, and the police searched the Kingdom Hall where the women worship.

Jehovah's Witnesses have expressed particular concern about Zakharchenko. "Doctors classify her as being 80 per cent disabled because of severe arthritis and a previous injury to her right leg," they note. In addition, they are worried about both women's emotional well-being after nearly five months' NSM secret police imprisonment.

Zakharchenko is a widow. Jabrayilova is the prime care-giver for her mother.

As with all the other NSM secret police prisoners of conscience, relatives are denied any meetings with Zakharchenko and Jabrayilova (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). Pastoral visits by religious leaders have also been refused. Relatives are allowed to hand in parcels for them of clothes, medicine and soap only once a month. "In an effort to offer comfort, family members have tried to provide them with a Bible, but the NSM has refused permission," they lament.

Jehovah's Witnesses have raised the cases of the two women with the United Nations Office of the High Commissioner for Human Rights and other international bodies.

Red Cross

Jehovah's Witnesses have learnt that the International Committee of the Red Cross (ICRC) had enquired about Zakharchenko and Jabrayilova's health. They have been told that the NSM secret police told the ICRC that the women were well and that there was no cause for concern.

Asked by Forum 18 about any measures it has undertaken in relation to Zakharchenko, Jabrayilova and the other NSM secret police prisoners of conscience, the ICRC Delegation responded on 10 July: "The ICRC does not comment publicly on the conditions of

detention and on the treatment afforded to detainees. The findings of the ICRC are confidential and shared only with the authorities in charge of the place of detention."

He was acting as a bookseller illegally

Forum 18 (27.05.2015) - On 14 July Azerbaijan's Supreme Court is due to hear a challenge to a fine of 18 months' average wages, for distributing religious literature which has not undergone the compulsory state censorship. "Kamran Abdiyev has no lawyer, and will be representing himself at the hearing," Judge Gulzar Rzayeva – who will be presiding over the appeal - told Forum 18 News Service from the Supreme Court on 25 May. Meanwhile, the criminal trials of four of the five imprisoned Sunni Muslims for similarly selling uncensored religious literature began at a court in the capital Baku from mid-May. All face up to two years' imprisonment.

The five Sunni Muslims are among eight prisoners of conscience being held at the National Security Ministry (NSM) secret police Investigation Prison in Baku to punish them for exercising the right to freedom of religion or belief. Two of the other prisoners of conscience are Jehovah's Witnesses women and the eighth prisoner is a Shia Muslim (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

State censorship of religious texts is strictly applied and the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). These texts are routinely confiscated by police (see eg. F18News 3 June 2014 http://www.forum18.org/archive.php?article_id=1964).

And in the latest extension of the powers of the State Committee for Work with Religious Organisations, anyone organising foreign travel for religious purposes, including pilgrimages abroad, now requires a licence from the State Committee (see below).

"Acting as a bookseller illegally"

In summer 2014, 244 Muslim books were confiscated from Abdiyev, who lives in Qaradag District of south-western Baku. "He was acting as a bookseller illegally," an official of the State Committee's "Expertise" Department told Forum 18 on 25 May. Among the tasks of this Department is state censorship. "He had no licence from the State Committee, no permission to sell religious literature – indeed, he hadn't made himself known to us. He was selling such literature clandestinely."

All 244 books were handed over to the State Committee for an "expert analysis". "The books were not designated for distribution in Azerbaijan," the official – who would not give his name – told Forum 18. "We found that they represented fundamentalist, politicised Islam and propagated inter-religious discord. By our criteria they are banned."

The official said many of the books were from Saudi Arabia, or were printed in Azerbaijan in the 1990s. "At that time many Wahhabis were here. Such people used to call for Shia Muslims to be killed." The term "Wahhabis" is often used by officials to describe people they do not like, such as Sunni Muslims protesting at state moves to close their mosques (see eg. F18News 28 May 2014 http://www.forum18.org/archive.php?article_id=1962).

Asked to name any of the titles confiscated from Abdiyev, the official refused, saying simply: "There were so many."

The official repeatedly claimed that the books confiscated from Abdiyev contained illegal

material. But the official was unable to explain why Abdiyev had been punished for distributing uncensored religious books and not on charges for alleged "extremism".

"If censorship was abolished.."

The State Committee official readily acknowledged to Forum 18 that censorship of religious literature exists. "Azerbaijan defends its national interests," he insisted. "So we must have experts who can check religious literature. We wouldn't be working here if censorship was abolished."

Asked whether the late President Heidar Aliyev had been wrong to claim in 1998 that the country had abolished censorship, the official repeated his defence of the compulsory prior state censorship of all religious literature printed in or imported into Azerbaijan (see the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan http://nhc.no/filestore/Publikasjoner/Rapporter/2015/Rapport2_15_Aserbajdsjan_web.pdf).

Massive fine, first appeal fails

Following the State Committee "expert analysis", a case was instituted against Abdiyev under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of 5,000 to 7,000 Manats or up to two years' imprisonment.

Criminal Code Article 167-2 was among other many new criminal and administrative punishments for exercising freedom of religion or belief introduced in 2011 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

Abdiyev's trial finally began with a preliminary hearing at Baku's Qaradag District Court on 1 August 2014. At the final hearing on 9 September, Judge Rashad Mammadov found him guilty and fined him 6,000 Manats (now about 44,240 Norwegian Kroner, 5,250 Euros, or 5,710 US Dollars), according to court records. This represents 18 months' average wage, according to the State Statistics Committee.

Abdiyev appealed against the conviction and fine, but on 4 December 2014 Judge Abid Abdinbayov rejected his appeal at Baku Appeal Court, according to court records.

On 1 April 2015, Abdiyev appealed further to the Supreme Court, where the case was assigned to Judge Rzayeva. She told Forum 18 that he had lodged the case himself, without the involvement of any lawyer. She said the court materials she has been given do not indicate if Abdiyev has yet paid the fine.

Judge Rzayeva declined to discuss the case more as it has not yet been heard. "The [14 July] court hearing will be open, so come along if you want to follow the case," she told Forum 18.

"We don't have a law on alternative service"

The same Judge Rzayeva at the Supreme Court had rejected the last appeal of Jehovah's Witness conscientious objector and former prisoner of conscience Kamran Mirzayev on 24 February (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). He is now intending to lodge an appeal to the European Court of Human Rights (ECtHR) in Strasbourg, where three other Azerbaijani Jehovah's Witness conscientious objectors have already appealed

over their earlier imprisonment (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061). The ECtHR has not made any admissibility decisions on the three cases.

Judge Rzaeva acknowledged to Forum 18 that she was aware of Azerbaijan's Council of Europe obligations to, by 2003:

- "adopt .. a law on alternative service in compliance with European standards";
- "pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions";
- and to introduce a law allowing "non-armed military service or alternative civilian service".

There are no signs that the government has any intention of keeping this promise (see the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan http://nhc.no/filestore/Publikasjoner/Rapporter/2015/Rapport2_15_Aserbajdsjan_web.pdf).

Asked why she had not upheld Mirzayev's right not to be punished for rejecting military service and asking to do an alternative civilian service, in line with Azerbaijan's Constitution, Judge Rzaeva replied: "We don't have a law on alternative service."

Current Jehovah's Witness conscientious objector Kamran Shikhaliyev has lodged an appeal with the Supreme Court in Baku against his one year sentence of detention in a military disciplinary unit. He has been subjected to "physical abuse, verbal humiliation, and psychological pressure" but, Jehovah's Witnesses have told Forum 18, "he has not wavered in his conscientious religious position" (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

Five current prisoners of consciences' trials begin

Meanwhile, four of the five planned trials of a group of Sunni Muslims arrested in Baku in February have begun. All five prisoners of conscience – Imam Mubariz Qarayev, Habibulla Omarov, Salim Qasimov, Eyvaz Mammadov and Azad Qafarov – had run several shops selling books and other religious items in Baku's Narimanov District. All are also associated with the Sunni Lezgin Mosque which the government intends to forcibly close after the European Games. The five were arrested by the NSM secret police in February and have been held since then at the NSM Investigation Prison in Baku (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

All five prisoners of conscience are, like Abdiyev, facing trial for selling books illegally under Criminal Code 167-2.1. The separate trials are taking place at Baku's Narimanov District Court.

- Qafarov's trial was the first to begin, with a preliminary hearing under Judge Turqay Huseynov on 18 May, according to court records. The trial proper begins on the morning of 29 May.

- Omarov's trial began next, with a preliminary hearing under Judge Rashad Abdulov on 19 May. The trial proper begins on the morning of 27 May.

- Imam Qarayev's trial began later, with a preliminary hearing under Judge Huseynov on 22 May. However, the Prosecutor told the hearing that day that preparation of the case had not been completed and asked for the hearing to be postponed. The hearing was rescheduled for the afternoon of 27 May.

- Mammadov's trial began with a preliminary hearing on 26 May under Judge Abdulov.

- No date appears to have been set for Qasimov's trial to begin.

Trial continues for five former prisoners of conscience

The criminal trial continues under Judge Akshin Afandiyev at Baku's Yasamal District Court of five other Sunni Muslims. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began with a preliminary hearing on 10 December 2014 and hearings have continued since then (see F18News 14 May 2015 http://www.forum18.org/archive.php?article_id=2061).

The five Muslim former prisoners of conscience were with others arrested for participating in a meeting to discuss their faith which was raided by armed police and NSM secret police in April 2014. Officials confiscated religious books, money and mobile telephones. Almost all the 39 adults and two children present were taken to the police station for questioning. The five Muslims were transferred to house arrest in September 2014 after up to five months in pre-trial detention at the NSM secret police Investigation Prison in Baku (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

Hajiyev and Ismayil Mammadov are being tried under Criminal Code Article 167-2.2.1 and Article 168.2. Sabzaliyev is being tried under Criminal Code Article 168.2. Zakariyya Mammadov and Hasanov are being tried under Criminal Code Article 167-2.2.1 and Article 168.1. The Mammadovs are brothers and with Hajiyev and Hasanov face up to five years' imprisonment if convicted. Sabzaliyev faces up to three years' imprisonment (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Controls over foreign religious tours

Azerbaijan's Cabinet of Ministers has imposed a new requirement for organisers of religious tours abroad to gain a licence from the State Committee. The requirement was imposed in a 23 April amendment to a 7 November 2002 Cabinet of Ministers decree specifying activities that need a state licence in Azerbaijan. The amendment, signed by Prime Minister Artur Rasi-Zada, was published on 17 May 2015 on the website of the parliamentary newspaper "Azerbaijan".

A 24 September 2009 amendment to the same 2002 Decree had imposed the requirement that the State Committee approve religious educational institutions.

Other regulations already give the State Committee sweeping powers over other religious activity. Without its permission, religious communities who meet for worship can be punished. Religious literature must be subjected to its prior approval. Those wishing to sell religious literature similarly need a licence from the State Committee (see the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan http://nhc.no/filestore/Publikasjoner/Rapporter/2015/Rapport2_15_Aserbajdsjan_web.pdf).

No-one at the State Committee was prepared to discuss with Forum 18 why these new controls over foreign religious travel are needed and how they accord with Azerbaijan's international obligations to implement human rights, including freedom of movement.

Some of the other state-imposed restrictions on the exercise of freedom of religion or belief also restrict religious communities' contacts with fellow-believers abroad. Forum 18 also knows of several foreigners legally resident in Azerbaijan, who were forced to leave

since the beginning of 2015 as officials objected to their active role in local religious communities.

Azerbaijan extends its unfounded detention of two women

JW.ORG (19.05.2015) - <http://www.jw.org/en/news/legal/by-region/azerbaijan/azerbaijan-arrest-detention-20150519/> - Azerbaijan's Ministry of National Security (MNS) has extended the pretrial detention of two of Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova. On February 17, 2015, the MNS pressed the criminal charge of distributing Bible literature without "appropriate permission" and jailed the women. On May 7, 2015, the Sabail District Court agreed to detain them until July 17. The court has dismissed motions to replace the detention with house arrest. Attorneys representing the Witnesses have filed appeals against the unjust imprisonment and have expressed concern for the mental, emotional, and physical health of the women. Authorities continue to investigate other Witnesses.

Prisoners of consciences' detention extended, criminal cases imminent

Forum 18 News Service (14.05.2015) - Two Jehovah's Witness prisoners of conscience in Azerbaijan, Valida Jabrayilova and Irina Zakharchenko, have had their NSM secret police pre-trial detention extended, Forum 18 News Service has learned. Five Sunni Muslim prisoners of conscience – Imam Mubariz Qarayev, Habibulla Omarov, Salim Qasimov, Eyvaz (last name unknown) and Azad Qafarov - also in NSM pre-trial detention are apparently about to face criminal trial. All seven prisoners of conscience were arrested for allegedly distributing religious literature that has not passed state censorship. The eighth prisoner of conscience in NSM pre-trial detention, Shia Muslim theologian Jeyhun Jafarov held for alleged treason, continues to be imprisoned. The trial of another group of five Sunni Muslims, who were in 2014 held in the NSM prison, continues in the capital Baku. Elsewhere, Shia Muslim prisoner of conscience Taleh Bagirov is challenging his transfer to Qobustan Prison where torture has been documented. All these prisoners of conscience are being denied visits by relatives and friends, as well as religious literature.

Azerbaijan's National Security Ministry (NSM) secret police Investigation Prison contains eight known prisoners of conscience held for exercising their freedom of religion or belief. The cases of five of the eight in the NSM headquarters in the capital Baku – all Sunni Muslims – have been handed to court, apparently for imminent trial. Two more – both female Jehovah's Witnesses who have been held since February – have had their pre-trial detention extended by two months. The remaining prisoner of conscience held for exercising his freedom of religion or belief in the NSM prison – a Shia Muslim – is half-way through his initial four-month pre-trial detention, though Forum 18 News Service notes that this too could be extended.

The trial of another group of five Sunni Muslims, who were in 2014 held in the NSM prison, continues in Baku. And a Shia Muslim who opened a prayer room in his home has been freed after completing his six-month prison term (see below).

These human rights violations are part of a continuing state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect. Many lawyers, journalists, human rights defenders and public figures the

government dislikes, including Muslims and Jehovah's Witnesses exercising their freedom of religion or belief, have been jailed. A Jehovah's Witness conscientious objector to military service who has been sentenced to one year in a disciplinary military unit has appealed to the Supreme Court (see below).

Eight NSM secret police prisoners of conscience

The two female Jehovah's Witness prisoners of conscience Valida Jabrayilova and Irina Zakharchenko, whose pre-trial detention was extended, are being investigated on criminal charges of being an "organised group" distributing religious literature which has not undergone the compulsory state censorship (see below).

The criminal cases against the five imprisoned Sunni Muslims – also accused of distributing religious literature which has not undergone the compulsory state censorship - were completed in late April and handed over to Baku's Narimanov District Court in early May, friends of the accused told Forum 18 from Baku. The five are likely to be tried individually, but the cases have not yet been assigned to judges and no trial dates appear to have been set. Telephones at the court went unanswered on 13 May (see below).

State censorship of religious texts is strictly applied and the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature. These texts are routinely confiscated by police.

In addition to the two Jehovah's Witnesses and the five Sunni Muslims, the NSM secret police Investigation Prison in Baku also holds Shia Muslim theologian and translator Jeyhun Jafarov. His lawyer is preparing to challenge his imprisonment as the criminal investigation against him continues (see below).

The officials who answered the phone at the NSM secret police Investigation Prison on 13 May refused to comment on the situation of the eight known prisoners of conscience held in NSM detention for exercising their freedom of religion or belief. They asked Forum 18 to call back the following day. Called on 14 May, the official who answered the phone said all enquiries must be given in writing.

The NSM secret police Investigation Prison in Baku – where all eight of these prisoners of conscience are being held – is on the upper floor of the main NSM building in Baku.

NSM Investigation Prison conditions

No relatives, friends or fellow-believers are allowed into the NSM secret police Investigation Prison for visits to the prisoners of conscience since their arrests, friends of the two Jehovah's Witness women, the five Sunni Muslims and Shia Muslim Jafarov told Forum 18. Jafarov is being held in a two-person cell in the Investigation Prison. His wife and two adult children (both students) are not able to visit him. "Only his lawyer is allowed in to see him", family members told Forum 18.

Fellow Jehovah's Witnesses remain highly concerned about Jabrayilova and Zakharchenko. "We think that physically they are well, but are worried about their emotional state", Jehovah's Witnesses told Forum 18. Relatives brought a Bible for each of them, but prison officials refused to accept them. The women are allowed no Jehovah's Witness literature. Their lawyers said they were unable to help resolve this.

The eight prisoners of conscience have not been allowed literature since their arrests, apart from Jafarov being allowed an Azeri-language translation of the Koran. Family members sent Jafarov a copy of the Koran in Arabic, but prison officials refused to give it to him. "They told us he had no need of it", family members told Forum 18. In Islam the

Koran is only permitted to be recited during worship in Arabic, making the refusal to give Jafarov an Arabic-text Koran very harsh. The family also sent other religious books, but those with any hand-written annotations were rejected.

Jafarov is also not allowed to have a watch with him to be able to know when it is time for prayer, his lawyer Javad Javadov told Forum 18.

Muslim prisoners of conscience Eldeniz Hajiyev and Ismayil Mammadov, now on trial with others in Baku (see below), were not allowed access to the Koran or any other books while they were in 2014 held in the NSM prison.

Violence has been used by the NSM secret police and other officials against those it questions.

The NSM Investigation Prison in Baku was one of a number of prisons the United Nations (UN) Subcommittee on Prevention of Torture (SPT) visited in late April 2015, after a failed September 2014 visit which encountered "obstructions" from the authorities. Aisha Shujune Muhammad, head of the SPT delegation, noted on 24 April at the end of the visit that Azerbaijan "has yet to guarantee all fundamental legal and procedural safeguards to persons deprived of their liberty, including access to a lawyer, a medical doctor, and to contact his or her family".

The UN said it is encouraging Azerbaijan to allow its confidential report on the April visit to be made public. The NSM Investigation Prison was also among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit. The previous CPT report to be published in 2009 did not include the NSM prison but noted instances of torture and intimidation of prisoners held elsewhere for speaking to the CPT (see below).

Imprisonment extended for two months

In separate hearings on 7 May 2015, Judge Elshad Shamayev of Baku's Sabail District Court extended for two months the pre-trial detention at the NSM Investigation Prison of the two Jehovah's Witness prisoners of conscience Jabrayilova and Zakharchenko, an assistant to the judge confirmed to Forum 18 from the court on 13 May. Both were arrested on 17 February, initially for three months (see F18News http://www.forum18.org/archive.php?article_id=2041). The assistant, who would not give his name, would not discuss why their pre-trial detention was extended or any other aspect of the cases.

Judge Shamayev has been instrumental in facilitating the government's pre-trial detention in 2014 and 2015 of Muslim and Jehovah's Witness prisoners of conscience on grounds of religion or belief. He has refused to answer questions about his repeated role in such imprisonments.

The request to extend the two women's pre-trial imprisonment until 17 July came from NSM Chief Investigator Matlab Mehdiyev, who is leading the investigation against both, Jehovah's Witnesses told Forum 18. He summoned many other Jehovah's Witnesses for questioning in the immediate aftermath of the two women's arrest. Two community leaders were again summoned for questioning in early May.

Jabrayilova, who is 38, and fellow Jehovah's Witness Irina Zakharchenko, who is 54, were arrested on 17 February and ordered held in pre-trial detention for three months while the investigation continues under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other

informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. Their appeal against their pre-trial detention was rejected on 26 February.

On 4 April Judge Shamayev rejected a request to transfer Jabrayilova from pre-trial detention to house arrest.

Trials imminent?

The most prominent of the five NSM Sunni Muslim prisoners of conscience is 40-year-old Mubariz Qarayev, imam of Baku's Lezgin Mosque. The criminal case against him was completed on 27 April and handed to Narimanov District Court in early May, his friends told Forum 18 from Baku on 6 May.

The criminal cases against the other four - Habibulla Omarov, Salim Qasimov, Eyvaz (last name unknown) and Azad Qafarov – were completed about the same time and handed to the same Court.

All five are facing trial under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' imprisonment.

The five men had run several shops selling books and other religious items in Baku's Narimanov District. They were arrested in late February. All five were ordered held in pre-trial detention for three months while the investigation was conducted.

The Lezgin Mosque in Baku's Old City, where Qarayev was imam until his arrest, is one of many Sunni Muslim mosques the government seeks to close.

Officials had told the Lezgin Mosque community on 17 April that it had to close ahead of the European Games, giving them three days to leave .

However, community members told Forum 18 that officials have now told them the Mosque can continue to operate until the European Games finish in June. However, Old City Reserve deputy head Elchin Yusupov told them in mid-April that as soon as the Games are over the Mosque will be forcibly closed for repairs, which community members insist are unnecessary. Mosque members complain not only of the prolonged insecurity around whether the authorities will stop them using their mosque building, but that officials will not put any of their demands in writing.

Challenge to pre-trial imprisonment

Javadov, the lawyer for Shia theologian Jafarov, is preparing to challenge through the courts his continued imprisonment in the NSM secret police Investigation Prison. "There is no reason to keep Jeyhun in prison and we want him out", family members told Forum 18 from Baku on 13 May. "If he is at home as the investigation continues he can always go in when they need to question him."

Jafarov – who will be 43 on 7 June - was arrested on 10 March and was ordered by Judge Shafayev to be held in four-month detention while under investigation on treason charges. The charges carry a possible 10-year prison term.

"Jeyhun didn't commit any offence", family members insisted to Forum 18. "There is no proof and he rejects the accusations. The charges have been brought because of his religious activity – there is no other explanation."

Continued detention of prisoner of conscience illegal

Meanwhile, another prisoner of conscience held for exercising his freedom of religion or belief, 30-year-old Shia preacher Imam Taleh Bagirov (also known as Bagirzade), is still trying to challenge his transfer to the harsher Qobustan [Gobustan] Prison in December 2014. A court ruled in November 2014 that he should be transferred to harsher conditions in isolation for the rest of his term.

Imam Bagirov was given a two-year strict regime prison sentence in November 2013 on drugs charges his supporters insist were fabricated to punish him for his religious and political activity. His driver Anar Melikov was also jailed for 19-months in August 2013. At a further trial in August 2014, a Baku court sentenced Bagirov to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell.

Javadov appealed to Baku Appeal Court on Bagirov's behalf against the transfer to Qobustan Prison. However, in mid-April Judge Aflatun Qasimov suspended consideration of the appeal, according to the court website. The Judge rejected Javadov's motion to have a full court re-examination of the evidence allegedly justifying the transfer.

The appeal has now been transferred to the Supreme Court, Javadov told Forum 18. However, no date has yet been set for a hearing.

"All this means that the court decision to transfer Taleh to Qobustan Prison has not entered into legal force", Javadov told Forum 18. "So their continued detention of him there is illegal. He should be returned to the previous prison."

No visits, no literature, handcuffed whenever outside cell

Bagirov's wife and their two children are unable to visit him in prison. As his lawyer, Javadov is the only person allowed to visit, most recently on 12 May. "Taleh is kept in isolation. Every time he leaves his cell he is put in handcuffs", Javadov stated. "This is allowed only for extremely dangerous prisoners."

Bagirov is allowed no religious literature, not even the Koran, Javadov added. Nor is he allowed any newspapers or other literature or access to television. "He has no meetings with relatives, nor any telephone calls."

Torture and prisoner intimidation

After a 2008 visit the Council of Europe's CPT stated that prisoners in Qobustan Prison were subjected to "deliberate physical ill-treatment and excessive use of force by prison officers. The forms of ill-treatment alleged consisted mainly of punches, kicks and blows with truncheons, as well as sexual abuse using a truncheon. The ill-treatment had reportedly been inflicted in the establishment's 'club' (i.e. association room), disciplinary unit and the exercise yards adjacent to it. In addition, a number of prisoners complained that certain prison officers had subjected them to verbal abuse."

The CPT also noted that "the delegation witnessed an attempt by a prison officer to threaten a prisoner for having spoken to the delegation. It also became apparent during the visit that certain prisoners detained at Gobustan Prison had been warned against making complaints to the delegation".

Prison term completed

Sunni Muslim prisoner of conscience Zohrab Shikhaliyev was freed from prison on 13 May at the end of his sentence, his friends told Forum 18 from Baku on 14 May. This was six

months to the day since his arrest. Shikhaliyev had served his sentence in Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District.

The 36-year-old Shikhaliyev was arrested in November 2014. His friends insisted that this was to punish him for maintaining an open Sunni Muslim prayer room in his home in the town of Sumgait [Sumqayit] north of Baku. Sumgait has no other Sunni Muslim place of worship and the government consistently closes Sunni mosques.

At the end of Shikhaliyev's trial in February 2015, he was found guilty of keeping illegal weapons and ammunition in his home under Criminal Code Article 228.1. This carries a punishment for having illegal weapons of imprisonment of up to three years. Shikhaliyev was given a six-month term of imprisonment.

Trial continues for former secret police prisoners

Also held for several months in 2014 in the Baku NSM secret police Investigation Prison were three of five other Sunni Muslims now on trial in Baku. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began under Judge Akshin Afandiyev at Baku's Yasamal District Court with a preliminary hearing on 10 December 2014 and hearings have continued since then.

The five Muslims were with others arrested for participating in a meeting to discuss their faith which was raided by armed police and NSM secret police in April 2014. They were transferred to house arrest in September 2014 after up to five months in pre-trial detention at the NSM secret police Investigation Prison in Baku.

The most recent hearing in the case was held on 4 May, with the next due on 18 May, the lawyer for four of the five men Asabali Mustafayev told Forum 18 from Baku on 13 May. He expects the trial to continue into June.

As long as the trial continues, the five men are living under restrictions. This includes a ban on leaving Baku.

Conscientious objector's Supreme Court appeal

On 15 April, Jehovah's Witness conscientious objector Kamran Shikhaliyev (no relation of Zohrab Skhikhaliyev) lodged an appeal with the Supreme Court in Baku against his one year sentence of detention in a military disciplinary unit, Jehovah's Witnesses told Forum 18. An official of the Supreme Court Military Collegium confirmed receipt of the appeal to Forum 18 on 13 May. She said the Supreme Court is now seeking the case file from Shirvan Appeal Court and will assign the case once the documentation arrives.

Kamran Shikhaliyev was forcibly conscripted in Baku in October 2013, just after his 18th birthday, and was then transferred to a military unit. He was maltreated following his enforced conscription. 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") to one year in a military disciplinary unit. In July 2014 Shirvan Appeal Court rejected his appeal against the conviction. He was finally transferred to a military disciplinary unit in Salyan in December 2014, though it remains unclear if and when his one year sentence has begun.

Shikhaliyev has been subjected to "physical abuse, verbal humiliation, and psychological pressure". But, Jehovah's Witnesses have told Forum 18, "he has not wavered in his conscientious religious position".

Earlier conscientious objector Supreme Court appeal failure

An earlier Jehovah's Witness conscientious objector, Kamran Mirzayev, failed in his appeal to the Supreme Court to have his sentence for refusing compulsory military service on grounds of conscience overturned. A hearing on 24 February under Presiding Judge Gulzar Rzayeva rejected his appeal, according to the Supreme Court website.

Mirzayev was convicted at Goychay District Court in March 2013 under Criminal Code Article 321.1 and sentenced to nine months' imprisonment. Sheki Appeal Court rejected his first appeal in May 2013. He was amnestied on 20 June 2013 after three months' imprisonment.

Determined to clear his name, Mirzayev appealed against his conviction to the Supreme Court in November 2014, arguing that Azerbaijan's Constitution upholds the right to perform an alternative to the compulsory military service. Azerbaijan has been condemned by Council of Europe bodies for its failure to honour its promise to introduce such an alternative service by 2004.

Criminal Code Article 321.1 states: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

European Court of Human Rights appeals

Now his Supreme Court appeal has failed, Mirzayev intends to appeal to the European Court of Human Rights (ECtHR) in Strasbourg, Jehovah's Witnesses told Forum 18. Three other Azerbaijani Jehovah's Witness conscientious objectors have already appealed to the ECtHR over their earlier imprisonment.

The three are:

Mushfiq Mammedov and Samir Huseynov v. Azerbaijan (Application No. 14604/08); and Farid Mammedov v. Azerbaijan (Application No. 45823/11) (see F18News 10 February 2014 http://www.forum18.org/archive.php?article_id=1926).

No admissibility decisions have been made by the ECtHR on the cases.

Baku's pre-Olympic "religious cleansing"?

Forum18 (24.04.2015) - Azerbaijan's senior government religious affairs official is demanding that a Sunni Mosque in Baku's historic Old City close down before the European Olympic Games, which begin on 12 June. Mubariz Qurbanli, head of the State Committee for Work with Religious Organisations, told members of the Lezgin Mosque verbally that the authorities are unhappy with the numbers of worshippers who attend prayers. He added that the sight of bearded men in such a central Baku location is "not desirable" as it would frighten participants of the European Games, mosque members told Forum 18 News Service.

The Lezgin Mosque (also known as the Ashur Mosque) in Baku's Old City is one of many Sunni Muslim mosques the government seeks to close (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

The Mosque was put under a police blockade during Friday prayers each week in May

2014, restricting the number of worshippers who could enter. The blockade lasted several months. One police officer also tried to pressure the community to close the Mosque each evening at 8 pm.

In July 2014, officials of Baku's Icherisheher (Old City) State Historical-Architectural Reserve told Mosque leaders verbally without prior warning that it would immediately have to close for renovation. However, the Reserve did not go ahead with the closure and renovation (see F18News 14 August 2014 http://www.forum18.org/archive.php?article_id=1985).

The Mosque's imam, Mubariz Qarayev, was arrested in February 2015. He is one of five known Sunni Muslim prisoners of conscience in pre-trial detention at the National Security Ministry (NSM) secret police facing criminal prosecution for selling uncensored religious literature (see below).

In addition, several members of the Mosque have been sacked from their jobs in 2015.

"No knowledge", no answers

Forum 18 received no response by the end of the working day on 21 April to its written questions, submitted to the State Committee late on 17 April, as to why Qurbanli is seeking to close the Lezgin Mosque. The woman who answered the phone of Yaqut Aliyeva, the State Committee spokesperson, put the phone down as soon as Forum 18 introduced itself on 21 April. Subsequent calls were routed to a fax machine.

An aide to Kamal Abdullayev, the Presidential advisor on inter-ethnic, multicultural and religious affairs, told Forum 18 on 18 April that he is out of Azerbaijan on holiday until early May.

Narmin Azadgil, spokesperson for the Old City Reserve, did not respond by the end of the working day on 21 April to Forum 18's written questions sent late on 17 April. Her colleague Sona Bayramova failed to respond to similar questions sent on 21 April. The man who answered the phone of Old City Reserve deputy head Elchin Yusupov on 18 April told Forum 18 it was a wrong number. On 21 April he asked Forum 18 to call back the following day.

An official of Azerbaijan's National Olympic Committee, who gave her name only as Halida, said that she had "no knowledge" of the demand to close the Lezgin Mosque. "Of course it's not a demand of our organisation," she told Forum 18 on 21 April. "I don't think it's true." Similarly, a spokesperson for the Baku 2015 European Games Organising Committee told Forum 18 the same day that "Baku 2015 has absolutely no knowledge of any such action".

The International Olympic Committee in the Swiss city of Lausanne referred Forum 18 to the European Olympics Committees (EOC) in the Italian capital Rome, which is sponsoring the Baku Games. However, the EOC had not responded by the end of the working day in Rome on 21 April.

"If you don't go within three days we'll remove you by other means"

Qurbanli of the State Committee visited the Lezgin Mosque late on 17 April, accompanied by Samir Nuriyev, head of the Old City Reserve, his deputy Yusupov, and several other officials, Mosque members told Forum 18 the same day. The officials arrived just before 5.30 pm, as afternoon prayers were underway.

Once prayers were over, Qurbanli demanded that the community vacate the building within three days as, he claimed, repairs on the mosque needed to begin. He promised

that the community would be able to return to the building once repairs were complete. Asked where mosque members were expected to take the mosque property and continue their prayers while the Lezgin Mosque was closed, Qurbanli reportedly told them: "We won't give you anywhere. Go to other mosques."

Qurbanli connected the demand to vacate the building to the European Games. "We want fewer believers," mosque members quoted him to Forum 18 as telling them. "If you don't go within three days we'll remove you by other means."

Faiq Mustafa, the chair of the community who was present, then asked Qurbanli for a copy of his demand in writing. However, Qurbanli refused. He then invited mosque representatives to a meeting at his office the following day, a Saturday.

"They want the Mosque closed for the European Olympics"

At the Saturday meeting at the State Committee, Mustafa and another Mosque member again met Qurbanli, who was accompanied by his assistant, Amil Javadov, and another State Committee official. Mosque members told Forum 18 this was a "better conversation". They say this time Qurbanli did not repeat the demand of the previous day that the community vacate the Mosque within three days.

However, Mosque members pointed to Qurbanli's continuing "absurd" demands. His first option was that the Mosque would close immediately for repairs. "We rejected this, as we fear our Mosque would never reopen," they told Forum 18. His second option was for the Mosque to close for the duration of the European Games, which last from 12 to 28 June. "We don't want that either," Mosque members added.

"Qurbanli openly stated that they want the Mosque to be closed for the European Olympics," Mosque members told Forum 18. "He didn't want people to be at our Mosque during it, claiming that the sight of bearded men will frighten Europeans. They consider it undesirable."

Mosque chair Mustafa then reluctantly offered a compromise. The Mosque would hold the first prayers at about 5 am and the last prayers at about 11 pm each day during the Games, and forego all other prayers for that period. "State Committee officials responded that they could not themselves decide – the decision will be taken elsewhere," Mosque members told Forum 18.

Although they welcomed the withdrawal of the demand to vacate the Mosque immediately and the fact that other proposals "are now on the agenda", Mosque members remain concerned about what could be the loss of their place of worship. "The issue was left to a further meeting." They have received no document about the State Committee's demands.

Complaints over too many worshippers and beards

During the meeting, Qurbanli also told Mosque representatives of his concern over the numbers of worshippers at the Lezgin Mosque. "They're mainly concerned about how many people are in the Mosque. Qurbanli demanded that no more than 50 worshippers should be in the Mosque," Mustafa told Forum 18 after the meeting. "I told him we can't ban people from coming in for prayers. He responded that you have to control this."

Qurbanli also complained that many Mosque attendees wear beards. "He asked that men up to the age of 60 or so should not have beards," Mosque members told Forum 18.

Azerbaijani officials have often demonstrated concern about men with beards (see Forum 18's Azerbaijan religious freedom survey at

http://www.forum18.org/archive.php?article_id=1690).

Muslim men in various parts of the country have repeatedly complained that police have forcibly shaved off their beards, as happened in Zakatala in early 2014 and Sabirabad later that year. After the Sabirabad incident, even the head of the state-backed Caucasian Muslim Board, Sheikh-ul-Islam Allahshukur Pashazade, condemned "the very serious mistake", adding that the person responsible "should be punished for their arbitrary action", according to July 2014 press reports.

After police raided a Sunni Muslim prayer room **in a private home in Sumgait in November 2014** (for which the owner Zohrab Shikhaliyev was imprisoned), officers similarly demanded that the men they detained shave off their beards. The men refused to do so (see F18News 18 November 2014

http://www.forum18.org/archive.php?article_id=2016).

State Committee officials told the Lezgin Mosque representatives that the community would get re-registration (which it has never had since the State Committee was established in 2001) if it agrees to "work closely" with it. This would entail limiting the number of attendees and making sure that young male attendees do not wear beards.

Criminal charges amended

Lezgin Mosque Imam Qarayev, who is 40, and three other Sunni Muslims – Habibulla Omarov, Salim Qasimov and Eyvaz (last name unknown) - were arrested on 24 February. Another Sunni Muslim Azad Gafarov was arrested on 26 February. They were accused of running shops in Baku's Narimanov District selling uncensored religious books and other items. All four prisoners of conscience were ordered held in pre-trial detention for three months while the criminal investigation continues (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

Imam Qarayev, Qasimov and Eyvaz are being investigated under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' **imprisonment**.

Initially the other two, Omarov and Gafarov, were being investigated under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. NSM Investigator Samir Aliyev is leading the case against the two.

However, the criminal charges against Omarov and Gafarov have now been amended to the same Criminal Code Article 167-2.1 the other three imprisoned Sunni prisoners of conscience are facing. This carries lesser penalties than the original accusation, their friends told Forum 18 from Baku on 18 April.

The men are expected to be eventually tried individually at Baku's Narimanov District Court, as their shops are (or were) located in that District, their friends told Forum 18.

Eight secret police prisoners of conscience

The five Sunni Muslims are among eight known religious prisoners of conscience currently being held at the NSM secret police Investigation Prison in Baku. The other known prisoners are two female Jehovah's Witnesses arrested on 17 February – Valida Jabrayilova and Irina Zakharchenko – and Shia Muslim theologian and translator Jeyhun

Jafarov, arrested on 10 March (see F18News 9 April 2015 http://www.forum18.org/archive.php?article_id=2054).

Appeal against harsh prison transfer postponed

Meanwhile, another imprisoned Muslim prisoner of conscience, Shia preacher Taleh Bagirov (also known as Bagirzade), has failed in his challenge to the decision to transfer him in December 2014 to a harsher prison.

Bagirov, who is 30, was arrested in May 2013. He was given a two-year strict regime prison sentence in November 2013 on charges his supporters insist were fabricated. At a further trial in August 2014, a Baku court sentenced him to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell. He then spent five weeks in the punishment cells (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

However on 28 November 2014, Baku's Qaradag District Court ordered Bagirov's transfer to a harsher prison regime. In December 2014, even before the decision had come into force, Bagirov was transferred from Labour Camp No. 12 in the village of Puta – an ordinary regime camp. He was sent instead to the harsher Qobustan Prison, along the coast to the south-west of Baku, where prisoners are held in isolation, his lawyer Javad Javadov complained to Caucasian Knot news website on 11 April 2015.

Javadov appealed on Bagirov's behalf to Baku Appeal Court against the transfer to a harsher prison. However, after hearings on 10 and 17 April, Judge Aflatun Qasimov postponed consideration of the appeal to an unspecified date, according to the court website. The Judge rejected Javadov's motion to have a full court re-examination of the evidence allegedly justifying the **transfer, Caucasian Knot noted**.

"Illegal" mosque uncovered

Also in Qobustan, officials of the State Committee and the 11th Police Station of Qaradag District raided what they described as an "illegal" mosque in mid-April, the Qafqazinfo news agency noted on 21 April. The Ashiq Rza Mosque had been founded and led by a 25-year-old local resident Asif Narimanov. An investigation against him continues. If brought to court, he could face a large fine to punish him for exercising his right to freedom of religion or belief.

Transfer from detention for prisoners of conscience rejected

Forum 18 News Service (09.04.2015)

http://www.forum18.org/archive.php?article_id=2054 -A request by a Jehovah's Witness prisoner of conscience, Valida Jabrayilova, to be transferred from pre-trial detention in the NSM secret police Investigation Prison to house arrest was refused on 4 April. Asked why she is detained and could face a five-year prison term for offering uncensored religious literature, Judge Elshad Shamayev replied "it's in the Criminal Code" to Forum 18 News Service. He refused to say why the government sees Jabrayilova – and seven other Muslim and Jehovah's Witness prisoners of conscience awaiting trial for exercising their freedom of religion or belief – as such a danger to the state that they must be detained by the NSM secret police. Asked why he also ordered Muslim prisoners of conscience to be held in pre-trial detention by the NSM, Judge Shamayev responded: "We're not obliged to account for our decisions". People continue to be prosecuted and punished for exercising freedom of religion or belief, for example in February for discussing their faith with others in public.

A judge in Azerbaijan's capital Baku on 4 April rejected a request to transfer Jehovah's Witness prisoner of conscience Valida Jabrayilova from pre-trial detention in the National Security Ministry (NSM) secret police Investigation Prison to house arrest. "Look at what Criminal Code she is being investigated under," Judge Elshad Shamayev of Baku's Sabail District Court insisted to Forum 18 News Service from Baku on 8 April. Asked why she is imprisoned and could face a five-year prison term simply for offering uncensored religious literature, he responded: "It's in the Criminal Code."

Jabrayilova's lawyer lodged the suit to have her transferred to pre-trial detention on 1 April, Jehovah's Witnesses told Forum 18. Following the rejection of the suit at Sabail District Court, the lawyer will appeal further to Baku Appeal Court.

Judge Shamayev refused to say why the government sees Jabrayilova – and seven other Muslim and Jehovah's Witness prisoners of conscience awaiting trial for exercising their freedom of religion or belief – as such a danger to the state that they have to be imprisoned in the NSM secret police Investigation Prison.

"We're not obliged to account for our decisions"

The same Judge Shamayev also ordered that at least three Muslims be held in pre-trial detention in the NSM Investigation Prison in Baku. In April 2014, he ordered that prisoners of conscience Eldeniz Hajiyevev and Ismayil Mammadov be held in pre-trial detention. He also took the decision in September 2014 that they and another NSM Investigation Prison prisoner of conscience Revan Sabzaliyev be transferred to house arrest. The three are currently under restrictions at home as their criminal trial continues.

In March 2015, Judge Shamayev ordered that Shia Muslim theologian and translator prisoner of conscience Jeyhun Jafarov be held in pre-trial detention in the NSM secret police Investigation Prison in Baku for four months. He is being investigated for alleged treason.

Asked why he ordered these Muslim prisoners of conscience too to be held in pre-trial detention at the NSM secret police Investigation Prison, Judge Shamayev responded: "We're not obliged to account for our decisions. Look at the written decisions." Asked again about the Muslims he had imprisoned, he replied: "That's not a journalistic question" and put the phone down.

In October 2014, four Jehovah's Witnesses were prisoners of conscience for up to 20 days for failing to pay earlier fines imposed to punish them for exercising the right to freedom of religion or belief (see below).

Eight NSM secret police prisoners of conscience

Jabrayilova, who is 38, and fellow Jehovah's Witness Irina Zakharchenko, who is 54, were arrested on 17 February and ordered held in pre-trial detention for three months while the investigation continues under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. The case is being led by NSM Chief Investigator Matlab Mehdiyev. Their appeal against their pre-trial detention was rejected on 26 February.

Imam Mubariz Qarayev of Baku's Lezgin Mosque, who is 40, and three other Sunni Muslims – Habibulla Omarov, Salim Qasimov and Eyvaz (last name unknown) - were arrested on 24 February. The Lezgin Mosque is one of many Sunni Muslim mosques the

government seeks to close. Another Sunni Muslim Azad Gafarov was arrested on 26 February. All four prisoners of conscience were ordered held in pre-trial detention for three months while the investigation continues.

Omarov and Gafarov are, like the two Jehovah's Witness women prisoners of conscience, being investigated under Criminal Code Article 167-2.2.1. NSM Investigator Samir Aliyev is leading the case against the two.

Imam Qarayev, Qasimov and Eyvaz are being investigated under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' imprisonment.

Shia Muslim theologian and translator Jafarov, who is 42, was arrested on 10 March and ordered held in pre-trial detention for four months while the investigation continues under Criminal Code Article 274 ("treason"). This carries a maximum life sentence (see F18News 16 March 2015 http://www.forum18.org/archive.php?article_id=2048).

The arrests appear to be part of a continuing wider state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect (see eg. <http://www.nhc.no/en/countries/europe/azerbaijan/>). This has led to the arrests of many lawyers, journalists, human rights defenders and public figures the government dislikes, including Muslims and Jehovah's Witnesses exercising their freedom of religion or belief, including a conscientious objector to military service (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

"No meetings, no phone calls, only visits from the lawyer"

No relatives, friends or fellow-believers are allowed into the NSM secret police Investigation Prison for visits to the prisoners of conscience, friends of the two Jehovah's Witness women, the five Sunni Muslims and Shia Muslim Jafarov separately complained to Forum 18. "No meetings, no phone calls, only visits from the lawyer," a friend of one of the prisoners told Forum 18.

"Jeyhun Jafarov has been given a Koran, but they won't allow him any other religious literature," a friend told Forum 18 from Baku on 9 April. Forum 18 has been unable to find out if any of the other prisoners are allowed access to religious literature.

"The lawyers say that Valida Jabrayilova and Irina Zakharchenko are being treated reasonably well," Jehovah's Witnesses told Forum 18. They note, however, that prison is prison and that they themselves are unable to verify these assessments.

"It is difficult to gain release in such cases through the courts," friends of Imam Qarayev and the other detained Sunni Muslims told Forum 18.

Three Muslim prisoners of conscience were held for several months in 2014 in the same NSM Investigation Prison. Along with two other Muslims, they are all now on trial in Baku for meeting together to discuss their faith and texts by Islamic theologian Said Nursi. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began under Judge Akshin Afandiyev at Baku's Yasamal District Court with a preliminary hearing on 10 December 2014 and hearings have continued since then (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

Prison conditions

The officer who answered the main number at the NSM secret police Investigation Prison on 9 April declined to answer any questions about the prisoners of conscience's detention conditions or to put Forum 18 through to anyone who would be able to answer.

Elchin Behbudov of the Azerbaijan Committee Against Torture – who is able to visit the NSM Investigation Prison once a month - says he has met all these prisoners with the exception of Zakharchenko. "They had no complaints," he told Forum 18 on 9 April. "Conditions there are better than in the Justice Ministry Investigation Prison. They don't torture anyone, the food is OK and there is a big library." He added that the Koran is available to prisoners who want to read it. "I saw it there in the library."

Muslim prisoners of conscience Hajiyev and Mammadov were not allowed access to the Koran or any other books while they were in 2014 held in the NSM Investigation Prison (see F18News 8 May 2014 http://www.forum18.org/archive.php?article_id=1956).

Behbudov says the Investigation Prison holds fewer than 100 prisoners at any one time. He says prisoners are generally kept in cells designed for two or four prisoners, though at times more are held in such cells. "Most of the women held there are facing drugs-related charges," he told Forum 18.

The NSM Investigation Prison was among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). It has still not been published.

Violence has been used by the NSM secret police and other officials against those it questions (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Other freedom of religion or belief prisoners of conscience

The largest single group of freedom of religion or belief prisoners of conscience consists of those imprisoned to punish them for protesting on the streets of Baku in October 2012 against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. Ten are still imprisoned (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Among other prisoners of conscience jailed for exercising their freedom of religion or belief is Sunni Muslim Zohrab Shikhaliyev, who is 36. On 18 February, a court in the town of Sumgait [Sumqayit] north of Baku handed down a six-month prison term for maintaining an open prayer room in his home. As he had already been held for more than three months in pre-trial detention, he had nearly three months left to serve (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

Islamic theologian and preacher Taleh Bagirov (also known as Bagirzade), who is 30, was arrested in May 2013. He was given a two-year strict regime prison sentence in November 2013 on charges his supporters insist were fabricated. At a further trial in August 2014, a Baku court sentenced prisoner of conscience Bagirov to an extra four months' imprisonment for allegedly having an illegal mobile phone in his cell (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Arrested with Bagirov in May 2013 was his driver Anar Melikov. He was given a 19-month prison term in August 2013, similarly on charges their supporters insist were fabricated (see F18News 7 November 2013 http://www.forum18.org/archive.php?article_id=1894).

Prisoner of conscience Melikov completed his jail term in February 2015 (pre-trial detention counts towards the term of imprisonment) and was freed, his lawyer Javad Javadov told Forum 18 from Baku.

Jehovah's Witness conscientious objector Kamran Shikhaliyev (no relation of Zohrab Shikhaliyev) was forcibly conscripted in Baku in October 2013 just days after his 18th birthday and then was transferred to a military unit. He was maltreated following his enforced conscription. 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") to one year in a military disciplinary unit. In July 2014 he lost his appeal against the conviction. He was finally transferred to a military disciplinary unit further in Salyan in December 2014, though it remains unclear if and when his one year sentence has begun (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

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 is no sign that the government has any intention of keeping this promise (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

"Guilty simply for talking to people about the Bible"

People continue to be prosecuted and punished for exercising their right to freedom of religion or belief.

On 2 February, Judge Ahmad Sariyev of Barda District Court found two Jehovah's Witnesses from the central town of Barda, Rza Babayev and Ilham Hasanov, guilty of violating Administrative Code Article 299.0.2. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

The case was brought to punish the two men for talking to others about their faith on the streets of Barda, according to case materials. Barda's Deputy Police Chief and other officers, who had seen them from their car, got out and detained the two men at about 12 noon on 19 December 2014. They then drew up a record of an offence under Article 299.0.2.

However, in his verdicts on Babayev and Hasanov, Judge Sariyev confined his punishment to official warnings instead of the large fines he could have imposed.

Babayev and Hasanov challenged their convictions in Gyanja Appeal Court. Both men cited provisions guaranteeing freedom to share one's beliefs from: Azerbaijan's Constitution; the Universal Declaration of Human Rights; and the European Convention on Human Rights and Fundamental Freedoms. They also cited condemnation of Azerbaijan's restrictions from reports of the European Commission against Racism and Intolerance, as well as case law from the European Court of Human Rights in Strasbourg.

However, at separate hearings on 12 March, Judge Fikret Aliyev rejected Babayev's appeal and Judge Elchin Khasmammadov rejected Hasanov's appeal, according to court records.

"Babayev and Hasanov wanted to challenge the decisions because they are considered

guilty simply for talking to people about the Bible," one Jehovah's Witness explained to Forum 18.

The Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). These texts are routinely confiscated by police (see eg. F18News 3 June 2014 http://www.forum18.org/archive.php?article_id=1964).

Captain Ahad Mammadov, head of Barda Police, repeatedly put the phone down when Forum 18 asked him on 9 April why individuals are punished for speaking to others on the street about their faith.

October 2014 short-term prisoners of conscience

Numerous Jehovah's Witnesses, Muslims and Protestants have often been punished with administrative fines for exercising their right to freedom of religion or belief, often after police raids. Such fines can be imposed for distributing religious literature which has not undergone compulsory state censorship in locations where the state does not permit religious literature to be distributed. Fines for exercising freedom of religion or belief are also imposed for "offences" including meeting for worship without state permission and "religious activity not within a religious association's registered address" (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

Four Jehovah's Witnesses from Gyanja are known to have been imprisoned in October 2014, for failing to pay earlier fines imposed for exercising their freedom of religion or belief. All four prisoners of conscience were jailed for between three and 20 days under Administrative Code Article 313-1.1, one of them for the second time. This Article punishes "failure to meet the requirements of court decisions or other official orders" with a fine on individuals or imprisonment of up to one month.

The fines imposed on the four who became prisoners of conscience were (as is often the case) large in relation to many people's income and savings – 1,000 Manats can in rural areas be the financial value of one family's home and assets (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Rashad Niftaliyev, who was then 26, was given a 20-day prison term under Article 313-1.1 by Judge Yashar Hashimov at Gyanja's Kapaz District Court on 15 October 2014. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18.

Prisoner of conscience Niftaliyev was jailed after paying only part of a fine of 2,000 Manats (now about 15,400 Norwegian Kroner, 1,780 Euros, or 1,900 US Dollars) imposed under Article 299.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies") in November 2011. "Even though the debtor was repeatedly warned, he has paid only 50 Manats [now about 385 Norwegian Kroner, 45 Euros, or 50 US Dollars]" bailiff Tural Imanov told the Court. Niftaliyev told the Court that he does not have the money to pay the rest of the fine. He appealed to Gyanja Appeal Court, but on 30 October 2014 his appeal was declared inadmissible. He tried to challenge this finding in December 2014, but failed to overturn it.

In July 2012, Niftaliyev had been given an official warning at Gyanja's Kapaz District Court for failing to pay the November 2011 fine (see F18News 10 August 2012 http://www.forum18.org/archive.php?article_id=1730).

Similarly, 61-year old prisoner of conscience Mardan Mammadov was given a 10-day prison term under Article 313-1.1, by Judge Afiq Huseynzada at Gyanja's Kapaz District Court on 16 October 2014. Mammadov had paid only 60 Manats (now about 460

Norwegian Kroner, 50 Euros, or 57 US Dollars) of a November 2011 fine of 1,500 Manats (now about 11,550 Norwegian Kroner, 1,335 Euros, or 1,425 US Dollars) under Article 299.0.2.

Mammadov told the Court he could pay a further 100 Manats (now about 770 Norwegian Kroner, 90 Euros, or 95 US Dollars), but has no money to pay more as he cannot work because of ill-health. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18. On 13 November 2014, Gyanja Appeal Court rejected his appeal.

Prisoner of conscience Irada Huseynova, who was then 49, was given a three-day prison term under Article 313-1.1 by Judge Emin Aliyev at Gyanja's Kapaz District Court on 21 October 2014. She had paid only 40 Manats (now about 308 Norwegian Kroner, 36 Euros, or 38 US Dollars) of a January 2014 fine of 1,800 Manats (now about 13,860 Norwegian Kroner, 1,600 Euros, or 1,710 US Dollars) under Article 299.0.2 (see F18News 10 February 2014 http://www.forum18.org/archive.php?article_id=1926).

Huseynova told the Court she has no money to pay as she does not work and looks after her mother. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18. On 5 November 2014, Gyanja Appeal Court rejected her appeal.

Prisoner of conscience Asim Mammadov, who is 25, was given a 10-day prison term under Article 313-1.1 by Judge Nuru Quliyev at Gyanja's Kapaz District Court on 27 October 2014. He had paid only 30 Manats (now about 230 Norwegian Kroner, 27 Euros, or 29 US Dollars) of a November 2011 fine of 1,500 Manats under Article 299.0.2. The sentence began at Gyanja Police Detention Centre that day, according to the court decision seen by Forum 18. On 13 November 2014, Gyanja Appeal Court rejected his appeal.

Mammadov had earlier been given a similar three-day prison term under Article 313-1.1 at Gyanja's Kapaz District Court in July 2012. This was also for failing to pay the November 2011 fine (see F18News 10 August 2012 http://www.forum18.org/archive.php?article_id=1730).

Rising religious intolerance

JW.ORG (25.03.2015) - Religious intolerance is escalating in Azerbaijan as law-enforcement authorities impose heavy fines on Jehovah's Witnesses and imprison them. Authorities are criminally prosecuting the Witnesses for meeting together for worship and for talking to others about their beliefs.

Criminalization of Religious Activity

On December 5, 2014, two of Jehovah's Witnesses—Irina Zakharchenko, a partially disabled 55-year-old widow, and 38-year-old Valida Jabrayilova, who is the primary caregiver for her mother—were sharing their faith with the residents of an apartment complex in Baku. The two women were offering without charge the brochure *Teach Your Children*, designed to help parents to teach their children Bible stories and lessons. *

The police investigator criminally charged them with distributing Bible literature without "appropriate permission." Specifically, the charge brought against the women was for a crime committed as an organized group, which carries a stiff fine, ranging from 7,000 to 9,000 manats (USD 6,690 to 8,600) * or two to five years' imprisonment.

In the course of the investigation, the police investigator and the Ministry of National Security (MNS) repeatedly summoned the women for questioning. When the women once again responded to a summons from the MNS on February 17, 2015, they unexpectedly found themselves arraigned in a closed hearing before the Sabail District Court in Baku.

After presenting criminal charges, the police investigator submitted a motion to place the women in pretrial detention because he thought that the women were likely to commit the act again and to "escape and hide from investigation." The women's lawyer objected, claiming that the detention was unjustified given the circumstances and the women's cooperation with the authorities. Although the judge noted that the women had no prior convictions, he characterized their activity as a "threat to the public" and granted the investigator's motion for three months' detention in the jail operated by the secret police.

- The attorney for the women appealed the decision, and on February 26, 2015, police transported them in handcuffs from jail to the Baku Appeal Court in a vehicle with dark-tinted windows. In the closed hearing that followed, neither the prosecutor nor the MNS investigator presented any evidence supporting the need for pretrial detention. Nonetheless, the court denied the appeals, and Ms. Zakharchenko and Ms. Jabrayilova were returned to the jail.

- On March 6, 2015, two groups from the MNS obtained court orders and searched the homes of Ms. Zakharchenko and Ms. Jabrayilova, confiscating their religious literature, personal notebooks, a computer, and a mobile phone. On March 10, 2015, the MNS, the State Committee for Work with Religious Associations, and the police presented court orders to search the Kingdom Hall (house of worship) and the home of one of the congregation elders. Also, the MNS has summoned a number of Witnesses in Baku for interrogation in this case.

- In response to the detention of Ms. Zakharchenko and Ms. Jabrayilova, Jehovah's Witnesses have prepared a letter to the UN Special Rapporteur and Arbitrary Detention Group requesting intervention. A local lawyer is preparing a motion in trial court to substitute pretrial detention with house arrest.

Heavy Fines and Jail Sentences for Attending Religious Services

In Ganja, authorities have imposed heavy fines on those attending religious meetings of the Witnesses and have detained some in jail. Fines have ranged from 1,500 manats (USD 1,433) to 2,000 manats (USD 1,911).

In October 2014, courts in Ganja jailed three Witnesses and a man attending their religious services for nonpayment of fines imposed upon them for meeting for worship. Though they had made partial payments, authorities jailed them from 3 to 20 days.

The man worshipping with the Witnesses states: "To me, 1,500 manats (USD 1,433) is a lot of money. . . . My initial reaction was not to pay the fine because I consider myself innocent." Two Witness men also felt that their punishment was unjust and reported that the authorities treated them like criminals.

- The third Witness who was jailed, a woman, states: "No one took into consideration that my family has a very hard financial situation, that I provide care for my disabled mother, who cannot do anything independently, and that I voluntarily began paying the fine."

The four have completed their jail sentences, but the court still demands full payment of the fines. If they fail to satisfy the court's expectation of timely payment, the court may again order their detention.

Will Azerbaijan Uphold Justice?

Officials in Azerbaijan have been using various methods to obstruct the religious activity of Jehovah's Witnesses. Currently, Jehovah's Witnesses have 19 applications against Azerbaijan pending with the European Court of Human Rights to address the intolerance they are facing. In the meantime, the Witnesses hope that Azerbaijan's high authorities will correct the injustice of the pretrial detention of Ms. Zakharchenko and Ms. Jabrayilova. By rectifying this and other acts of religious intolerance, Azerbaijan can show respect for its citizens, its constitution, and its support of fundamental human rights.

Six new freedom of religion or belief prisoners of conscience

Forum 18 (16.03.2015) - On 10 March Shia Muslim theologian and translator Jeyhun Jafarov became the latest person to be arrested and ordered held in pre-trial detention by the National Security Ministry (NSM) secret police, apparently to punish him for exercising his freedom of religion or belief, his friends told Forum 18 News Service from Azerbaijan's capital Baku on 12 March. A Baku court has set his pre-trial detention at four months while the criminal investigation on charges of treason continues. This carries a possible life sentence.

Jafarov's arrest came two weeks after the arrest of five Sunni Muslims from Baku, including Mubariz Qarayev, imam of the Lezgin Mosque in Baku's Old City. The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016). A court has ordered the five men held in pre-trial detention – also at the NSM secret police Investigation Prison – for three months on criminal charges of selling religious literature which has not been censored by the state (see below).

Already held in the same prison are two female Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova. They were arrested and ordered held in pre-trial detention for three months on 17 February. They face up to five years' imprisonment if convicted of distributing religious literature without the required state permission (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). Their appeal against being held in pre-trial detention was rejected (see below).

The arrests appear to be part of a continuing wider state crackdown on people exercising human rights Azerbaijan's government has solemn international obligations to protect (see eg. <http://www.nhc.no/en/countries/europe/azerbaijan/>). This has led to the arrests of many lawyers, journalists, human rights defenders and public figures the government dislikes, including Muslims and Jehovah's Witnesses exercising their freedom of religion or belief, including a conscientious objector to military service (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

No official information

The families of many of those arrested are too frightened to speak, Forum 18 notes.

Although the ordinary police confirmed to Forum 18 the criminal prosecution of the two Jehovah's Witness prisoners of conscience, the NSM secret police appears to have made no public comment on any of the latest six Muslim prisoners of conscience. This is despite the NSM arresting the Muslims, investigating them, and bringing the cases to court to have their prisoners held in NSM pre-trial detention.

The official who answered the telephone on 16 March at the MSM secret police Press Office insisted that the arrests and detentions of the six Muslims and two Jehovah's Witnesses "have nothing to do with us". The official – who would not give his name – referred all enquiries to the General Prosecutor's Office and put the phone down.

Telephones at the General Prosecutor's Office – as well as at the Sabail District Prosecutor's Office – were engaged or not answered when Forum 18 called on 16 March.

The telephone of Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious Organisations, went unanswered when Forum 18 called on 16 March.

Newest freedom of religion or belief prisoner of conscience arrested

The 42-year-old Jafarov has exercised his freedom of religion or belief in a variety of ways, including leading haj pilgrimage groups to Mecca. He conducted a series of television programmes on Space TV on religion entitled "Night Conversations". He translated two books entitled "Ethics in Islam" by the late Iranian Ayatollah Mohammadreza Mahdavi Kani. He also led the Evolution Translation Centre.

On 4 March Jafarov returned with his brother from Iran, where the brother had been undergoing a kidney operation, the Baku newspaper "Musavat" reported on 11 March. Jafarov had accompanied his brother to help him during the eight-day visit. After their return, Jafarov was ordered to report to the NSM secret police on 10 March. There he was arrested, and his family had no information about what had happened to him.

On 12 March Judge Elshad Shamayev of Baku's Sabail District Court ordered Jafarov held in pre-trial detention in the NSM secret police Investigation Prison in Baku for four months, his friends told Forum 18. He learnt that he is being investigated under Criminal Code Article 274 ("Treason"). This is punishable by between 12 years' and life imprisonment.

"Jeyhun Jafarov has never been involved in politics," a local scholar of Islam in today's Azerbaijan told Forum 18 on 11 March. "The government will probably try to associate him with the Iranian secret services."

Legal culture

The Chancellery of Sabail District Court refused to confirm details of the hearing for Jafarov (or for any of the other recent detainees). One official insisted to Forum 18 on 13 March: "We can't give any information because you're not a party to the case and we can't give any information by phone." Her colleague, who similarly would not give his name, refused even to confirm that the hearing had taken place. "We can't say if it happened or didn't happen." Asked if the hearing had been open or closed, the official laughed. "You're taking up our work time. My culture doesn't allow me to put the phone down," he added, before putting the phone down.

Five arrests of freedom of religion or belief prisoners of conscience

The latest five Sunni Muslim prisoners of conscience were arrested in the days following a

raid by officials of the State Committee for Work with Religious Organisations on the Burhan Muslim bookshop in Baku. Although friends of the five insist that all the books on sale had received the compulsory prior approval from the State Committee, officials claimed that some of the books had not. The shop has not been closed.

Strict state censorship of all religious literature and other materials produced in Azerbaijan or imported is imposed. Texts such as the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are banned (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). There is also compulsory state licensing of all bookshops and street vendors who wish to sell books and texts dealing with religion or belief (see F18News 18 July 2012 http://www.forum18.org/archive.php?article_id=1721).

The 40-year-old Imam Qarayev of the Lezgin Mosque, who also runs the bookshop, was first summoned by the NSM secret police for questioning one Friday in January, his friends told Forum 18. "Officers told him they would be finished with him before Friday prayers," one friend told Forum 18. "But they weren't. We were waiting and waiting and trying to call him. We had to go ahead with prayers without him and someone had to give the sermon without being able to do the proper preparation."

Imam Qarayev and three other Sunni Muslims – Habibulla Omarov, Salim (last name unknown) and Eyvaz – were summoned to the NSM secret police on 24 February. There they were detained. In separate hearings on 26 February, various judges at Baku's Sabail District Court ordered their pre-trial detention at the NSM Investigation Prison.

A fifth Sunni Muslim, Azad Gafarov, was summoned to the NSM secret police and detained on 26 February. On 28 February Sabail District Court ordered his pre-trial detention at the NSM Investigation Prison.

Sabail District Court Chancellery refused to discuss any recent hearings with Forum 18.

Criminal investigation

Omarov and Gafarov are being investigated under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years. NSM Investigator Samir Aliyev is leading the case against the two.

Imam Qarayev, Salim and Eyvaz are being investigated under Criminal Code Article 167-2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine or up to two years' imprisonment.

Criminal Code Article 167-2 was among other many new criminal and administrative punishments for exercising freedom of religion or belief introduced in 2011 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

"It's not pleasant when they take the imam of a mosque"

"Of course we're worried about them," one friend of some of the five men told Forum 18 from Baku. "These are serious charges." The friend was particularly concerned at the arrest of Imam Qarayev. "It's not pleasant when they take the imam of a mosque. Community members keep asking when he'll be freed."

On the three Fridays since Imam Qarayev's arrest, members of the congregation have had to lead the namaz, a member of the Lezgin Mosque told Forum 18.

In the past month, several members of the Lezgin Mosque have been sacked from their jobs, the community member added. "Although this has been going on for some years, it has stepped up in the past month."

The Lezgin Mosque is one of many Sunni Muslim mosques the government seeks to close (see F18News 18 November 2014

http://www.forum18.org/archive.php?article_id=2016). The latest known violations of Sunni Muslims' freedom of religion or belief include the State Committee for Work with Religious Organisations warning the leaders of a Sunni Mosque in Qobustan that if the leadership did not liquidate itself, hand back documents for the Mosque, and allow the Mosque leadership to be replaced, the State Committee would go to court to enforce its liquidation. The Mosque leadership reluctantly complied under state pressure (see F18News 24 February 2015 http://www.forum18.org/archive.php?article_id=2042).

On 18 February a Sunni Muslim prisoner of conscience, Zohrab Shikhaliyev, was given a six month jail term for having an open prayer room in his home. As he had already been held for more than three months in pre-trial detention, he had nearly three months left to serve (see F18News 23 February 2015

http://www.forum18.org/archive.php?article_id=2041).

Prison address of latest six prisoners of conscience

The NSM secret police Investigation Prison in Baku – where Jafarov, Qarayev, Omarov, Gafarov, Salim, Eyvaz, Zakharchenko and Jabrayilova are being held - is on the upper floor of the main NSM building in Baku.

It was among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041). It has still not been published.

Appeal against prisoners of consciences' detention fails

The two female Jehovah's Witness prisoners of conscience, Zakharchenko and Jabrayilova, are being held in the same NSM secret police Investigation Prison. They appealed against the pre-trial detention orders for three months, but on 26 February Baku Appeal Court rejected their appeals, Jehovah's Witnesses told Forum 18.

The two are, like the five Sunni Muslim prisoners of conscience from the Lezgin Mosque, also being investigated under Criminal Code Article 167-2.2.1, in their case for the "crime" of distributing religious literature on a street (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

The case is being led by NSM Chief Investigator Matlab Mehdiyev. While Jabrayilova is represented by a lawyer, investigators insist that Zakharchenko cannot use the same lawyer. She is still seeking a lawyer to represent her, Jehovah's Witnesses told Forum 18.

Fresh NSM searches and questioning

On 6 March the NSM secret police searched Zakharchenko and Jabrayilova's homes again. Also in connection with the case, they searched the home of a leader of the Baku Jehovah's Witness community and the place where the community meets on 10 March, Jehovah's Witnesses told Forum 18.

At least five Jehovah's Witnesses from Baku have been summoned for interrogation at the NSM secret police about the case, even though questions were far more wide-ranging. Some were held there and questioned for hours, Jehovah's Witnesses added.

Violence has been used by the NSM and other officials against those it questions (see eg. F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Trial continues for former secret police prisoners

Also held for several months in 2014 in the same NSM secret police Investigation Prison were three of five other Muslims now on trial in Baku. Four of the five - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment. The trial began under Judge Akshin Afandiyev at Baku's Yasamal District Court with a preliminary hearing on 10 December 2014 and hearings have continued since then (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

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

The next hearing in the case is due on 17 March. "Hearings are taking place almost every week," the lawyer for four of the five men Asabali Mustafayev told Forum 18 from Baku on 13 March. "As there are still many witnesses to question, the trial might not be concluded until the end of May or June." He noted that as long as the trial continues, the five men are living under restrictions. This includes a ban on leaving Baku.

Another Mosque forcibly transferred to new leadership

Forum 18 (24.02.2015) - Yet another Sunni Muslim mosque has been forcibly transferred at the state's behest to new leadership "closer to the authorities", members of the ousted mosque community complained to Forum 18 News Service. The enforced transfer of the mosque in Qobustan on the southern edge of the capital Baku appears to be part of a long-running campaign to close down Sunni Muslim mosques or transfer them to Shia Muslim control loyal to the Azerbaijani authorities. The state religious affairs official involved refused to discuss the transfer with Forum 18, while police who subsequently conducted a four-hour raid also refused to comment.

Meanwhile, police continue to detain Jehovah's Witnesses who hold religious meetings, speak to others about their faith or offer religious literature without state permission. Some are given fines of three to four months' average wages (see below).

In the most serious such case, on 17 February two female Jehovah's Witnesses were ordered held for three months in Baku's National Security Ministry (NSM) secret police investigation prison. They are being investigated on criminal charges that carry a maximum five-year prison term (see F18News 23 February 2015 http://www.forum18.org/archive.php?article_id=2041).

Yaqut Aliyeva, spokesperson for the State Committee for Work with Religious

Organisations, refused absolutely to discuss anything with Forum 18 on 19 February. Asked about various cases, she responded: "What's it to do with you?" before putting the phone down. All subsequent calls went unanswered.

Earlier enforced mosque transfers

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

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

The authorities in Baku's Old City have attempted to close the Lezgin Mosque - which also follows Sunni worship - but the community has so far been able to resist such attempts (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Registration compulsory - if you can get it

Religious communities have repeatedly complained of arbitrary registration and re-registration denials. Azerbaijan insists that state permission is needed for people to meet together to exercise freedom of religion or belief, in defiance of its international human rights obligations. Lack of state registration can lead to police raids, confiscations of religious literature, fines and even criminal prosecutions (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

The State Committee - which is supposed to register religious communities - has persistently refused to process registration applications by communities it does not like. Particular targets of obstruction to registration or re-registration attempts are Sunni Muslim communities, other Muslim communities outside the control of the state-backed Caucasian Muslim Board, Protestant churches and Jehovah's Witness communities.

Baku's Jehovah's Witness community lodged its re-registration application in 2009, but the State Committee repeatedly rejected it. Their community in Gyanja lodged an application on 8 June 2011. The State Committee has not processed this application.

Sabina Allahverdiyeva, a lawyer who worked in the State Committee's Legal and Registration Department in 2009 and now heads it, totally refused to discuss why so many re-registration applications lodged by so many different religious communities have been ignored or rejected. "I have no right to give any information by telephone," she told Forum 18 in December 2014 (see F18News 1 December 2014 http://www.forum18.org/archive.php?article_id=2019).

Latest enforced mosque transfer

The state authorities appear to have disliked the community at the Juma (Friday) Mosque in Qobustan in Baku's Qaradag District. The Sunni Mosque was built by the imam in the 1990s on his own land. It was originally named in honour of Umar ibn Al-Khattab, the second caliph. However, as many Shias are critical of Umar, the mosque came under pressure to change the name and it subsequently called itself by the more neutral Juma

Mosque.

The Mosque was originally registered by the Justice Ministry, re-registered by the Justice Ministry and re-registered again by the State Committee after the new state entity was established in 2001. However, the State Committee did not approve the community's 2009 re-registration application.

In January 2015, the State Committee official for Baku, Anar Kazimov, telephoned Mosque leaders and warned them that if the leadership did not liquidate itself, hand back documents for the Mosque and allow the Mosque leadership to be replaced, the State Committee would go to court to enforce its liquidation, original community members complained to Forum 18 on 11 February. "Anar sounded threatening," one community member told Forum 18. "He said they could easily find 50 new people to constitute the new leadership. They obviously wanted people closer to the authorities."

The community leadership chose to comply with the instruction, realising that little would be gained by trying to challenge it, community members told Forum 18. On 20 January the community officially removed the long-standing imam who had originally founded the Mosque. Prayers continued at the Mosque.

Kazimov, the State Committee official for Baku, refused absolutely to discuss anything with Forum 18 on 19 February.

More than 500 worshippers regularly attend Friday prayers at the Mosque, original community members told Forum 18. "The Mosque is too full for all to fit inside, so some pray in the garden outside."

When the Mosque held prayers on 28 July 2014 for the end of Ramadan, one day before the date that the state-backed Muslim Board had designated as the end of Ramadan, authorities threatened to fine the leaders, community members told Forum 18.

The state also refused to authorise the ousted imam's son to work in the Mosque as an imam, original community members lamented to Forum 18. "He studied in an Islamic University in Saudi Arabia and the authorities don't want him," one explained.

Since July 2009, the Religion Law has banned men who have gained their religious education abroad from working as imams, a restriction which is not applied to other faiths (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Police raid

On the afternoon of 10 February, about three weeks after the enforced state-backed transfer of leadership, police raided the Qobustan Juma Mosque. "Officers of the police and possibly the NSM [secret police] spent about four hours checking every room in the building," members of the original community complained to Forum 18. "They took 178 religious books without giving any record of any confiscation. These were books on the Koran – there was no radicalism and nothing political there."

No one at the Qaradag Police's 11th department would explain to Forum 18 on 19 February why the Mosque was raided. Officers referred Forum 18 to Police Chief Latif Jahangirov. However, he was not in the office or his phone went unanswered each time Forum 18 called between 19 and 24 February.

Present during the 10 February raid, according to community members was the head of the Qaradag District Narcotics Department, Elman (last name unknown). Community members speculated that he might have been present to facilitate the planting of drugs

in the Mosque. Forum 18 reached him on 24 February but he declined to discuss the raid, eventually claiming that it was a wrong number.

Two Baku detentions, one large fine

On 21 January, two Jehovah's Witnesses were detained in Baku for distributing religious literature, the Interior Ministry noted on its website the same day. Mahluqa Akhmadova and Ismayil Bagirov – residents of Lokbatan – were detained by Qaradag District Protection Department. "Those arrested had with them ten religious books banned from distribution in Azerbaijan," the Ministry said. "The literature was confiscated and the man and woman were taken to the 10th police station." There records of an offence under Administrative Code Article 299.0.2 were drawn up.

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. This is more than three to four times what the state says is the average monthly wage (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

The detentions came the same day that a visiting Jehovah's Witness delegation met Mubariz Qurbanli and Gunduz Ismayilov, Chair and Deputy Chair of the State Committee, according to the State Committee website. The delegation consisted of Russian Jehovah's Witness Vasili Kalin – a Soviet prisoner of conscience in 1983 – and Marc Hansen from Brussels.

The cases against Akhmadova and Bagirov were handed to Qaradag District Court. After several delayed hearings, on 12 February Judge Rashad Mammadov closed the case against Akhmadova, according to the court website. By contrast, on 29 January, Judge Fuad Huseynov fined Bagirov 1,500 Manats (11,000 Norwegian Kroner, 1,300 Euros or 1,500 US Dollars). Bagirov lodged an appeal to Baku Appeal Court where, on 24 February, Judge Faiq Qasimov was due to hear the case.

The telephone of Captain Rahil Ismayilov, head of the 10th Police Station, was engaged or went unanswered each time Forum 18 called on 24 February.

Fined for religious activity away from registered address

Baku resident Rahima Huseynova was found guilty at Baku's Sabunchu District Court on 26 December 2014 under Article 299.0.4. This punishes "religious activity not within a religious association's registered address" with fines for individuals of between 1,500 and 2,000 Manats (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Huseynova was fined 1,500 Manats. She appealed against the fine. However, on 29 January 2015, Judge Qadim Babayev of Baku Appeal Court rejected her appeal, according to the court website.

Forum 18 was unable to discover what religious community Huseynova belongs to nor whether she was fined for hosting religious meetings in her home.

Raids, massive fines by post

Numerous raids and fines on Jehovah's Witnesses exercising their right to freedom of religion or belief occurred in 2014 (see F18News 7 August 2014 http://www.forum18.org/archive.php?article_id=1983).

On 12 October 2014, police raided a religious meeting in the Gyanja home of Saladdin

Mammadov, Jehovah's Witnesses told Forum 18. About ten officers of the city's Nizami District Police entered his home without permission. "An elderly woman fainted because of the stress," they noted. Officers searched the home and ordered that all 21 present go to the police station. Once there, officers seized all their personal religious literature, including copies of the Bible, but later returned most of the literature.

Two days later, police posted decisions to Mammadov, Sadagat Abbasova and Rashad Niftaliyev ordering each of them to pay a fine of 2,000 Manats for violating Administrative Code Article 299.0.2. On 27 October 2014, the three filed appeals against the fines in the city's Nizami District Court. On 6 November 2014, the court upheld all the convictions and fines.

On 17 November 2014, the three lodged further appeals to Gyanja Appeal Court. However, the Court rejected all three appeals, Mammadov's on 27 November 2014, Abbasova's on 28 November 2014 and Niftaliyev's on 1 December 2014, according to court decisions seen by Forum 18. The Court rejected the defendants' insistence that their right to exercise freedom of religion or belief is upheld by international human rights documents Azerbaijan has signed up to, including the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Latest secret police prisoners – two female Jehovah's Witnesses

Forum 18 (23.02.2015) - Amid a widening crackdown on religious, political and social activity the Azerbaijani government does not like, two female Jehovah's Witnesses have been ordered held in the National Security Ministry (NSM) secret police investigation prison in the capital Baku until 17 May. Irina Zakharchenko and Valida Jabrayilova are being investigated on criminal charges of going from door to door offering religious literature without state permission, according to the court decisions seen by Forum 18 News Service. They face up to five years' imprisonment if convicted.

Colonel Isfandiyar Mehbaliyev, head of the District Police in Pirallahi, where the women were initially detained, defended the case against them. "Under our laws, spreading religious books is banned," he told Forum 18 from the town on 23 February. Asked whether the transfer of the criminal case to the NSM secret police means that the state regards offering religious literature to others as dangerous and a threat to state security, Colonel Mehbaliyev refused to respond. "I have work to do," he said and then put the phone down.

On 18 February, a court in the town of Sumgait [Sumqayit] north of Baku handed down a six-month prison term on a Sunni Muslim for maintaining an open prayer room in his home. Zohrab Shikhaliyev has already been held for more than three months in pre-trial detention, so he has nearly three months left to serve (see below).

Yaqt Aliyeva, spokesperson for the State Committee for Work with Religious Organisations, refused absolutely to discuss anything with Forum 18 on 19 February. Asked about various cases, she responded: "What's it to do with you?" before putting the phone down. All subsequent calls went unanswered.

"Two innocent women"

Fellow Jehovah's Witnesses have complained about Zakharchenko and Jabrayilova's imprisonment. "This is a gross violation of the human rights of two innocent women, who are currently imprisoned because of their religious beliefs," they complained to Forum 18 from Baku on 20 February. "The court's decision contradicts both Azerbaijani and

international law." They point out that the right to share one's faith with others in public has been repeatedly protected by the European Court of Human Rights in Strasbourg.

The two women are facing charges under Criminal Code Article 167-2.2.1. This punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation" when conducted by an "organised group". Punishment is a fine or imprisonment of two to five years.

Four of the five Muslims whose trial began at Baku's Yasamal District Court on 10 December 2014 and is still continuing are similarly being prosecuted under Article 167-2.2.1. All five are also facing charges under Criminal Code Article 168. Three of the five were held for up to five months in 2014 in the same NSM secret police investigation prison in Baku (see below).

This is the first time Jehovah's Witnesses have been imprisoned on criminal charges not connected to refusal to serve in the armed forces, Forum 18 notes.

Many Muslims are in prison or on trial for exercising their right to freedom of religion or belief. The largest single group consists of those imprisoned to punish them for protesting on the streets of Baku in October 2012 against a 2010 Education Ministry ban on girls wearing a headscarf (hijab) in schools. Ten are still imprisoned (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

In recent years the only non-Muslim prisoners of conscience jailed for exercising the right to freedom of religion or belief have been Jehovah's Witness conscientious objectors to compulsory military service, Forum 18 notes. In recent years several Protestant Christians have also served prison sentences to punish them for 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).

Secret police Investigation Prison

The NSM secret police Investigation Prison – where Zakharchenko and Jabrayilova are being held and where the three Muslims were held in 2014 - is on the upper floor of the main NSM building in Baku.

It was among Azerbaijan's prisons visited by a delegation from the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in December 2012. However, the Azerbaijani government has refused to allow the Committee to publish its report of the visit. "Our reports remain confidential until the government concerned requests publication," a Committee official told Forum 18 from Strasbourg on 6 January 2015. "Azerbaijan has not yet done this."

In the days after their 17 February detention, the women's relatives (Zakharchenko's son and Jabrayilova's mother) came to the investigation prison to try to meet them. They also hoped to hand on soap, underwear and other essentials, Jehovah's Witnesses told Forum 18. However, prison officials told them they could only meet their relatives on the visiting days of Tuesdays and Fridays and they must be accompanied by their lawyer to be allowed access.

Jehovah's Witnesses added that they do not know if Zakharchenko and Jabrayilova are allowed to have any religious literature with them.

Detained while discussing their faith

Trouble began for Jehovah's Witnesses Zakharchenko, a 54-year-old pensioner, and 38-year-old Jabrayilova on 5 December 2014. They were going from door to door to discuss

their faith and offer copies of Jehovah's Witness publications in Pirallahi, a town of 16,000 on a narrow peninsula east of the capital. The two women "distributed religious literature without charge, thus illegally distributing it without appropriate permission to do so", the subsequent court decision – seen by Forum 18 – noted.

That same day, a local resident allegedly filed a complaint with Pirallahi District Police, the court decision adds. She claimed that the two women she did not know "after providing religious information about Jehovah God, presented her with the religious publication 'Teach Your Children' without charge, and recommended she study and share this religious publication without the appropriate permission". The court ruling does not explain why the resident felt it necessary to complain to the police after holding a discussion on religious themes with visitors, who offered her a religious book.

The decision notes that Zakharchenko and Jabrayilova also approached three other local residents.

However, the State Committee for Work with Religious Organisations - which implements the compulsory state censorship of all religious literature published in or imported into Azerbaijan - approved import of this publication on 11 August 2014. State Committee Deputy Chair Gunduz Ismayilov authorised the State Customs Committee to allow the import of 2,000 copies of the book.

The authorisation, seen by Forum 18, reports the State Committee's expert study as concluding: "In the examination of the samples of religious literature, submitted for analysis to the experts, ideas that could have a negative impact on the religious situation in the country have not been detected and therefore permission to import these may be granted."

Criminal case, sudden imprisonment

Since December 2014, Zakharchenko and Jabrayilova were not under arrest, but were several times summoned to the police and then the NSM secret police for questioning, Jehovah's Witnesses told Forum 18.

A criminal case against the two was opened under Criminal Code Article 167-2.2.1 on 17 February 2015, the court decision notes. The case was originally in the hands of the General Prosecutor's Office, but was then taken over by the NSM secret police.

That same day, the two women were ordered to come to the NSM secret police in Baku at 10 am. No reason was given for the renewed summons. However, later that day they were taken to Baku's Sabail District Court. "They didn't know a court hearing had been scheduled," Jehovah's Witnesses complained to Forum 18. "It was all very fast."

At 5 pm that evening, they were brought before Judge Rauf Ahmadov at a closed hearing. He authorised Zakharchenko and Jabrayilova's pre-trial detention at the NSM secret police investigation prison for three months, the decisions note.

The Judge accepted the urging of Chief Investigator Matlab Mehdiyev that pre-trial detention was necessary in view of "the nature of the criminal act, the degree of seriousness of the act; if left at large she would hide from the authority conducting the criminal proceedings, would be able to commit the act prescribed in the criminal law again, and hinder the finding of objective truth in the case".

Objections by both the women and their lawyer, Shams Ayyubova, that pre-trial detention was not necessary were rejected.

Zakharchenko and Jabrayilova lodged appeals on 20 February to Baku Appeal Court

against Judge Ahmadov's decisions, Jehovah's Witnesses told Forum 18. No date has yet been set for the appeals to be heard.

Forum 18 was unable to reach Judge Ahmadov on 23 February. His assistant, who did not give his name, said he was in a hearing. "We can't give any information," the assistant added. "Talk to the investigator."

Forum 18 was unable to get a number for Chief Investigator Mehdiyev. The NSM secret police information office refused to discuss anything with Forum 18 on 23 February.

Six months' imprisonment for prayer room

Meanwhile, on 18 February, the final day of the month-long trial, Judge Azer Ismayilov of Sumgait City Court found 36-year-old Sunni Muslim Shikhaliyev guilty of keeping illegal weapons and ammunition in his Sumgait home under Criminal Code Article 228.1. This carries a punishment for having illegal weapons of imprisonment of up to three years. Judge Ismayilov handed down a six-month term of imprisonment, Shikhaliyev's friends told Forum 18 from Baku after the verdict was announced.

The criminal trial began in late January. Shikhaliyev's friends have vehemently denied the charges to Forum 18, insisting that the weapons the authorities claim to have found in his home were planted.

"Given conditions in Azerbaijan, Zohrab and his lawyer regard this as a victory," one friend told Forum 18, pointing out that Shikhaliyev could have received a far longer prison term. "As he has already spent more than three months in pre-trial detention, he will have less than that still to serve. So he probably won't appeal against the sentence."

Forum 18 was unable to reach Judge Ismayilov. The main telephone at the Court went unanswered on 23 February.

Until the verdict enters into force, which might take up to another month, Shikhaliyev is likely still to be held in the Investigation Prison No. 1 at Kurdakhani in Baku's Sabunchu District, his friends told Forum 18.

Police raid on prayer room

Shikhaliyev established a Sunni Muslim prayer room in his home more than two years ago as no other Sunni mosque exists in Sumgait. The government is hostile to Sunni Muslims and has aided efforts to turn exclusively Sunni mosques into Shia-dominated communities, working with the state-backed Caucasian Muslim Board (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

The most recent mosque to be forcibly taken from Sunni control and handed over to new, state-backed management, is in Qobustan in Baku (see forthcoming F18News article).

Shikhaliyev was arrested in Sumgait by the Police Department for the Fight Against Organised Crime and Sumgait Town Police on 13 November 2014. The same day armed and masked police raided his home. Police claim to have discovered a Walther pistol and three bullets, 48 other bullets of various calibres, three grenades, six detonators and two memory cards from security cameras. They also claim to have seized 500 items of religious literature and 210 discs. Others detained for several hours the same day Shikhaliyev was arrested – including two invalid veterans of the Karabakh war - complain that police officers beat and humiliated them (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

On 15 November 2014, Baku's Narimanov District Court ordered Shikhaliyev's detention

for two months in pre-trial custody as criminal charges were being investigated (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

Baku criminal trial of five Muslims continues

The long-running trial of the five Muslims under Judge Akshin Afandiyev at Baku's Yasamal District Court continues, with the latest hearing on 23 February. "There are so many witnesses, and it will take some time for the court to get through all of them, perhaps till the end of March," the lawyer for four of the defendants Asabali Mustafayev told Forum 18 from Baku on 21 February.

Four of the five Muslims - Eldeniz Hajiyev, Ismayil Mammadov, Zakariyya Mammadov and Shahin Hasanov – face up to five years' imprisonment if convicted. The fifth - Revan Sabzaliyev – faces up to three years' imprisonment (see F18News 12 February 2015 http://www.forum18.org/archive.php?article_id=2037).

The five are being punished after a massive armed police raid on a religious meeting in Hajiyev's Baku home in April 2014. Officers seized religious books, money and mobile telephones. Almost all the 39 adults and two children present were taken to the police station for questioning. Many were held there for up to two days.

As well as the arrests on criminal charges, nine other attendees were each fined 1,500 Manats (11,400 Norwegian Kroner, 1,400 Euros or 1,900 US Dollars) at Yasamal District Court in April 2014 for their attendance at the meeting (see F18News 16 April 2014 http://www.forum18.org/archive.php?article_id=1948).

Nakhichevan detentions without trial, beatings and attempted kidnapping

Forum 18 News Service (16.02.2015)

http://www.forum18.org/archive.php?article_id=2038 - Three Muslims who read the works of the late Turkish theologian Said Nursi were freed from prison on 11 February in the Azerbaijani exclave of Nakhichevan. Two were seized in Nakhichevan and the third in Baku and transferred to the exclave. All three were held without any court approval. They were beaten to force them to "confess" to a "crime" (distributing anti-government leaflets) one of their friends insisted to Forum 18 News Service they had nothing to do with. Police have confiscated passports from all three to prevent them leaving the exclave. A fourth fled to Turkey to evade possible arrest, though Azerbaijani police tried to kidnap him there. The Head of Nakhichevan's Department for Work with Religious Organisations Vuqar Babayev declined to discuss the cases with Forum 18. About six of the 200 or so Muslims arrested in November 2014 are still in detention, Yafez Akramoglu of Radio Free Europe told Forum 18. Several are being investigated on treason charges. Most of the 50 Nakhichevan mosques forcibly closed in November 2014 have reopened, but under new leadership "closer to the authorities".

On 11 February three Sunni Muslims who read the works of the late Turkish theologian Said Nursi were freed from prison in the Azerbaijani exclave of Nakhichevan [Naxçivan], their friends told Forum 18 News Service. The three had been held without any court approval for two and a half weeks and are said to have been beaten. Police had seized one of the three in the Azerbaijani capital Baku and forcibly put him on a flight to Nakhichevan. Police have confiscated passports from all three to prevent them leaving the exclave. It remains unclear if they will face prosecution and, if so, for what reason.

A fourth Muslim fled to neighbouring Turkey to evade possible arrest. Azerbaijani attempts to seize him back failed. An Azerbaijani consular official in the Turkish city of Kars denied all knowledge of the case (see below).

Meanwhile, at least six or seven of the 200 or so Muslims arrested in a government crackdown in Nakhichevan in November 2014 are believed still to be in detention, Yafez Akramoglu of Radio Free Europe told Forum 18 on 16 February 2015. One was sent to prison for two months, apparently without trial, while two or three others are in prison under investigation on treason charges (see below).

The telephone of Nakhichevan Interior Minister Ahmad Ahmadov went unanswered each time Forum 18 called on 16 February. His deputy Qulu Rustamov put the phone down on 16 February as soon as Forum 18 introduced itself. The Head of Nakhichevan's Department for Work with Religious Organisations Vuqar Babayev declined to discuss the cases the same day, referring all questions to the Interior Ministry.

"The men were targeted because of their religious activity," one of the three men's friends insisted to Forum 18. "They read Risale-i Nur [Messages of Light, Nursi's collection of sermons]. Nakhichevan is a small place and everyone knows this."

The friend said fellow Muslims in Nakhichevan who read Nursi's works "face such problems at minimum once a year". Forum 18 has been unable to find out why they were targeted this time.

During the November 2014 mass arrests, about 60 Muslims who read Nursi's works were held only for a day or so before being freed (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021).

Severe restrictions on freedom of religion or belief

Nakhichevan – an autonomous territory of Azerbaijan on the Arax river wedged between Armenia, Turkey and Iran – has a population of more than 400,000 and its own government and parliament. The autonomous territory's restrictions on people's ability to exercise human rights, including freedom of religion or belief and other political and social freedoms are far tighter than in the rest of Azerbaijan. These include a de facto ban on people exercising freedom of religion or belief who are Shia Muslims outside state control, almost all Sunni Muslims meeting as communities, and non-Muslims such as Baha'is, Seventh-day Adventists, Hare Krishna devotees, or Russian Orthodox (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021).

Arrested or seized?

Police seized two of the three Muslims in Nakhichevan city, the capital of the exclave, on 24 January, their friends – who asked not to be identified for fear of state reprisals – told Forum 18. Police showed no warrant for the men's arrest and no court approved their detention.

At about the same time, police came to the Baku home of the third man, who is originally from Nakhichevan but now lives and works in the Azerbaijani capital. After seizing him they forcibly put him on a plane to Nakhichevan. On arrival he was transferred to prison. "Officers gave no reason for his detention and showed no documentation," friends told Forum 18. "His family didn't know where he had been taken. Only when they asked the police did they learn that he had been taken to Nakhichevan."

The three men were taken to the Justice Ministry's Pre-trial Detention Centre in the village of Boyukduz in Kangarli District, 20 kms (12 miles) north-west of Nakhichevan

city.

Beaten, forced to confess

Once in detention, the three men were kicked and beaten "in various places" and threats were made against their families, the men's friends complained to Forum 18. Police pressured them to sign statements confessing to "crimes". The men apparently did so as a result of what their friends describe as "torture" and their "confessions" were filmed. Although their friends believe the "confessions" were filmed for subsequent showing on Nakhichevan television, they do not appear to have been broadcast yet.

Police officers were seeking "confessions" from the men that they were responsible for an incident in 2013, when leaflets criticising Nakhichevan's rulers were thrown from a car window in central Nakhichevan city. "But they had nothing to do with it," the three men's friends insisted to Forum 18.

Police have long been under political pressure to find those responsible, and others have earlier been pressured to admit to the "crime", Akramoglu of Radio Free Europe – a Nakhichevan native who was deported from the exclave in 2011 - told Forum 18.

Released, but can't leave Nakhichevan

The three men were released from prison on 11 February but, as their passports have been seized, they are unable to leave the exclave. Their friends do not know if they will face administrative or criminal prosecution. The three men do not have a lawyer. "No lawyers in Nakhichevan would dare to defend them," one of their friends told Forum 18.

One who got away

Another Nakhichevan-based Muslim associated with the other three, Chingiz Talibov, fled to neighbouring Turkey in late January to avoid what he feared would be his detention, his friends told Forum 18.

Once in Turkey, he was contacted by the Azerbaijani Consulate in the town of Igridir, 85 kms (50 miles) from the land border with Nakhichevan. His friends say Consulate officials "tricked him" into coming to visit. Three plain-clothed Azerbaijani police from Nakhichevan then tried to "kidnap" him in an apparent attempt to return him forcibly to Azerbaijan. However, Turkish police witnessed the kidnap attempt on the street and intervened to protect him. The Turkish authorities then deported the three plain clothes police officers back to Azerbaijan.

Nakhichevan police have in the past tried to kidnap in Turkey people from Nakhichevan they wanted back, Akramoglu of Radio Free Europe told Forum 18.

After the failed kidnapping, the Nakhichevan authorities stepped up pressure on Talibov's family in an apparent attempt to force his return home, his friends told Forum 18.

Ramin Yusubov, Vice-Consul at Azerbaijan's Consulate in Kars (which oversees the consular office in Igridir) claimed to Forum 18 on 16 February that "we know nothing about this". He insisted that Talibov "didn't come to the Consulate either in Kars or in Igridir". And he added: "There was no deportation by the Turkish authorities of any Azerbaijani police officers. If there had, we would have known about it."

Detention with no trial, investigation

During the mid-November 2014 crackdown, the authorities arrested about 200 Muslims. While most were released within one or two days (including about 60 Muslims who read Nursi's works), up to 50 of the Muslims were apparently still in detention in early December 2014. Up to 50 mosques – especially those Nakhichevan's authorities think are oriented towards Iran – appear to have been forcibly closed after the arrests (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021).

However, all but six or seven of those detained are now believed to have been released, Akramoglu of Radio Free Europe told Forum 18.

Two or three are reportedly being investigated on charges of treason and contact with the Islamic State movement, which has gained ground in Syria, Iraq and elsewhere, Akramoglu added. He said it is difficult to assess the validity of such accusations.

One other of those remaining in detention is serving two months' detention, although the sentence does not appear to have been handed down by a court and no specific allegations against him are known, Akramoglu told Forum 18.

New Mosque leadership "closer to the authorities"

Almost all the approximately 50 mosques forcibly closed in November 2014 have now reopened. "Most are under new leadership closer to the authorities," Akramoglu told Forum 18. "The authorities feared many of them were too close to the Iranians." Again, he said it was difficult to assess the validity of the state's accusations. The new imams were imposed on the mosques by the new Multiculturalism and Religious Affairs Committee, Akramoglu added.

The Multiculturalism Committee, established under an August 2014 Decree, aims to promote religion "in the right direction", control public rituals, especially funerals, and counter "religious sects", presumably within the Muslim community (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021). Forum 18 was unable to reach Committee Head Mirhashim Seyidov on 16 February 2015.

Forum 18 was unable to ask Babayev of Nakhichevan's Department for Work with Religious Organisations why the state-backed Multiculturalism Committee interfered in the leadership of mosques. He had already put the phone down before Forum 18 had the opportunity to ask.

"Everyone is of the Muslim religion"

Before he had ended the call, Babayev dismissed concerns Forum 18 has heard from Nakhichevan over restrictions on freedom of religion or belief. "All of the people in Nakhichevan are free to go to mosques or churches," he claimed. When Forum 18 pointed out that no non-Muslim places of worship – whether Christian churches, Baha'i temples or places of worship of any other faith – operate in Nakhichevan, he claimed: "There are no churches because everyone in Nakhichevan is of the Muslim religion."

The exclave's authorities have long had a de facto ban on religious activity by non-Muslim communities. Small groups of Baha'is, Seventh-day Adventists and Hare Krishna devotees were banned from meeting in the 2000s. Faik Farajov, then of the Department for Work with Religious Organisations, told Forum 18 in January 2010 that no non-Muslim communities exist. "The Adventists and Baha'is have all left," he claimed (see F18News 21 January 2010 http://www.forum18.org/Archive.php?article_id=1397).

Babayev said Shia Muslims make up 95 per cent of the population and Sunni Muslims the rest. Asked why Sunni Muslims have difficulty maintaining mosques, he said: "They must

go to Shia mosques. Who wants a Sunni mosque?" Told that Forum 18 has spoken to individuals who want to worship in a Sunni mosque, he admitted that only one of the exclave's 217 mosques is Sunni-dominated, the Kazim Qarabakir Pasha Mosque in Nakhichevan city.

Also known as the Juma mosque, this was built in the 1990s by the Turkish government's Diyanet (Presidency of Religious Affairs), which also named its imam. However, the Nakhichevan authorities did not allow any Turkish imam to lead the mosque after February 2011. The Mosque was under Shia leadership for a while (see F18News 13 May 2011 http://www.forum18.org/archive.php?article_id=1570).

When Forum 18 asked why the Nakhichevan authorities appear to believe that they have the sole right to determine what places of worship of what faith are allowed to function, Babayev put the phone down. Subsequent calls went unanswered.
