

1. Ahead of the May 2018 Universal Periodic Review of Azerbaijan by the United Nations (UN) Human Rights Council, Forum 18 has found no improvement in the country's freedom of thought, conscience and belief violations after the previous April 2013 and February 2009 UPRs. President Ilham Aliyev has ruled the country since 2003, after the death of his father Heydar Aliyev who ruled for the majority of years since 1969. Neither Aliyev has ever won a free and fair election and the regime continues widespread systemic violations of the right to freedom of thought, conscience and belief, and of interlinked freedoms such as the freedoms of expression, association, assembly, the right to a fair trial, and the right to be free from torture.

2. All exercise of freedom of religion and belief with others without state permission is illegal. Forum 18 has documented human rights violations including: raids, fines, arbitrary imprisonment and torture; education and worship meetings without state permission being banned; religious literature censorship; and the forcible closure of Sunni Muslim mosques.

### **Torture, arbitrary detentions, killings, unfair trials, mosque closures**

3. Creating fear of the state is apparently an integral part of a policy of imposing state control of all of society. The United Nations (UN) Working Group on Arbitrary Detention's August 2017 report (A/HRC/36/37/Add.1) of a May 2016 visit observed: "human rights defenders, journalists, political and religious leaders continue to be regularly detained under criminal or administrative charges". It called for those subjected to such arbitrary imprisonment to receive redress and for those guilty of subjecting them to such arbitrary detention to be punished "appropriately". The Working Group received "much testimony" about torture from prisoners during its visit. Similarly, the UN Committee Against Torture's (CAT) 26 November 2015 Concluding Observations (CAT/C/AZE/CO/4) noted "numerous and persistent allegations that torture and ill treatment are routinely used by law enforcement and investigative officials", and that between 2010 and 2015 "not a single individual was prosecuted" despite 1,996 separate complaints to the authorities. The CAT also noted that this "is a strong indication that investigations into allegations of torture are not conducted in a prompt, efficient and impartial manner". Azerbaijan has not fulfilled its legally binding obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This leads to a climate of impunity for officials and the absence of the rule of law, where unjust trials with flagrant breaches of due process are normal.

4. The deputy leader of the Muslim Unity Movement (which has been strongly critical of the regime's control of both public manifestations of Islam and of its political control of the country) Abbas Huseynov was tortured immediately after his transfer to the harsh Qobustan Prison on 22 July 2017. The Movement's leader, 33-year-old Imam Taleh Bagirov (also known as Bagirzade), was transferred to the same prison on 29 July. On 5 August Huseynov was taken to one of the prison's supervisors. "This is Qobustan, where rights end," the official told Huseynov. Both Imam Bagirov and Huseynov and at least 18 others were arrested when armed police stormed the village of Nardaran on 26 November 2015. During the raid on Muslims while they were praying, when the authorities fired weapons freely, officials claim two police officers and at least five villagers were shot dead. The authorities claim the Muslim Unity Movement was planning an armed uprising and had collected weapons. However, Etibar Najafov, Chief Adviser on Multiculturalism, Ethnic and Religious Affairs in the Presidential Administration, told Forum 18 on 1 December that the Muslim Unity Movement had not killed or proposed killing anyone. He also could not explain what, if any, laws they might have broken.

5. Both Imam Bagirov and Huseynov on 20 July 2017 lost appeals against 20-year prison terms, and others associated with the Muslim Unity Movement have also been given long jail terms for alleged terrorism, an attempt to seize power violently, illegal firearms possession, and murder. Local human rights defenders, including journalist and former prisoner of conscience Khadija Ismayilova, have stated that there is no evidence for these charges. "These people didn't commit any violence," she told Forum 18 in June 2016. "The government sees them as a threat because they are popular and they are not controlled by the government". The regime has frequently used charges of alleged possession of drugs and weapons to jail prisoners of conscience for exercising their freedom of religion or belief and other rights, for example Baptist pastor Hamid Shabanov jailed in 2009 for two years for leading his church.

6. Seventeen of the 18 defendants testified in court that they were tortured by the Interior Ministry's Main Directorate for the Struggle with Organised Crime in Baku, and by police. Imam Bagirov stated: "It is one thing to beat or put an electric current through a person, but we are speaking here of horrific tortures". Huseynov's lawyer appealed about the torture to the General Prosecutor's Office, the government's Human Rights Ombudsperson and a Baku court. The Ombudsperson's Office told Forum 18 its staff had visited Huseynov but would not confirm that he had been tortured. It knew of no prison officials punished in 2017 for torturing prisoners.

7. Nardaran's four Shia mosques were closed immediately after the raid and subsequently taken over by the Caucasian Muslim Board, as they were claimed not to have state registration. A human rights defender told Forum 18 in August 2016 that army and police units stand outside each of Nardaran's mosques. "They change over every two hours and in full view of everyone".

8. Torture can be a part of raids on anyone exercising freedom of religion and belief. For example in a September 2013 raid on a Jehovah's Witness family, police forced their way into their home and confiscated books including personal Bibles, money, and medical and financial documents. Against the law, police gave the family no record of their confiscations. One of the women present was injured by police and needed hospitalisation when she had an epileptic fit during detention. Police detained those present at a police station for 12 hours, claiming they were terrorists, repeatedly threatening detainees with sexual violence and loss of employment. Police also pressured detainees to give up their faith, and seven people were fined the equivalent of one year's salary.

### **Denials of reality**

9. Azerbaijan routinely denies its human rights violations. The government even claims its repression and flagrant breaches of international law are for export, promoting this with their apologists with terms such as "tolerance and non-discrimination", "the Azerbaijani model of tolerance", "secularism" and "peaceful co-existence". "National security" is another excuse claimed to justify state violations of freedom of religion and belief, even though national security is not a permissible ground for limiting this freedom. State-favoured religious communities echo such claims, not least for fear of state reprisals. Apologists for government policy never explain how it is possible to promote and practice an alleged tolerance and dialogue while directly attacking the rule of law and fundamental human rights such as freedom of religion or belief. Such attempts to empty the language of human rights, tolerance and dialogue of any connection with the implementation of fundamental human rights should be resisted.

10. Azerbaijan's restrictions on freedom of religion or belief have been strongly criticised by inter-governmental and non-governmental organisations, for example in the October 2012 Council of Europe Venice Commission and Organisation for Security and Co-operation in Europe (OSCE) Joint Opinion on the latest 2011 Religion Law. The government's response was to deny that the Venice

Commission criticised the Law, claiming on 17 October 2012 that: "the Venice Commission now considers that the Law on Freedom of Religious Belief adopted in Azerbaijan completely reflects European standards." However, the Venice Commission told Forum 18 on 22 October 2012 that: "The Venice Commission adopted its opinion fully aware of the Azerbaijani government's comments and therefore maintains its conclusions". Denials of reality are a routine tactic of the government and its apologists. Such denials of reality are also made by judges in courts (see below in relation to the European Convention on Human Rights and Fundamental Freedoms).

### **Making the exercise of human rights dependent on state permission**

11. Azerbaijan has constructed a complex labyrinth of steadily increasing "legal" restrictions on and punishments for exercising freedom of religion or belief, often prepared in secret, such as but not limited to the Religion Law. The aim appears to be to help impose state control on any independent civil society activity, and to make all exercise of human rights dependent on state permission. This flagrantly violates its binding international human rights obligations, for example by denying freedom of religion and belief to any belief community which does not have state registration, and making such registration compulsory. Religious communities without 50 adult founding members are not eligible to apply for state registration, effectively banning all small religious communities. There is no legal possibility for more than one person to manifest freedom of religion or belief without state permission.

12. The latest of many legal restrictions on freedom of religion and belief came into force on 1 March 2016 as part of a new Code of Administrative Offences. This retained the former severe restrictions on and high fines for exercising freedom of religion and belief (including imposing state censorship of all religious literature and objects) and among other changes added a penalty of deportation for foreigners "guilty" of sending individuals abroad for religious education without State Committee for Work with Religious Organisations permission and selling state-approved religious literature and materials away from places where the state allows them to be sold.

13. These latest Administrative Code changes followed December 2015 changes to the Criminal Code targeting those who lead Muslim worship after having gained religious education abroad. Changes to the Religion Law allowed the state-controlled Caucasian Muslim Board and the State Committee for Work with Religious Organisations to approve the appointment of foreign-educated imams to lead worship in the Board's mosques. The amendments also allow a foreigner appointed by a "religious centre" to conduct "religious propaganda" in Azerbaijan. Religious "propaganda" by any other foreigner remains illegal. Given the severe difficulties most religious communities have in gaining state registration, it is unclear which religious communities have a state-recognised "religious centre" apart from the Caucasian Muslim Board.

14. On 3 July 2017 a court in the southern town of Masalli imprisoned 43-year-old Shia Muslim Sardar Babayev for three years, as he had completed foreign religious education in 2000 (five years before the education restrictions were imposed) and had led Friday prayers on 4 November, 18 November, and 9 December 2016. He had been under arrest since February 2017, and had been denied access to a Koran and a prayer mat. This is thought to be the first time that a court has imposed a prison term on an individual with foreign religious education for leading Muslim prayers. Oktay Gulaliyev of Azerbaijan Without Political Prisoners told Caucasian Knot that Imam Babayev had been jailed "because of his popularity among believers". He described the Imam as "an educated theologian" whose sermons "aroused great interest". "The authorities see a threat in the activity of believers," he explained.

### **Raids, censorship, confiscating banned books, parents and children threatened**

15. Raids on people meeting together to pray and study religious texts have been particularly experienced by Muslims who read the works of theologian Said Nursi, Protestants, and Jehovah's Witnesses. A typical raid took place on the afternoon of 9 January 2016, when police, local administration officials, and State Committee officials raided a group of more than 20 Jehovah's Witnesses meeting in the home of Eldar Aliyev in the north-western town of Mingachevir. Police stated that the meeting was "unlawful" as a permit was required to hold such meetings.

16. Officers confiscated from those present personal copies of religious texts, including Bibles. The State Committee official stated that the Bible is a banned publication and must therefore be confiscated. The Old Testament or Hebrew Bible, Nursi's 14-volume "Risale-i Nur" (Messages of Light) collection of writings, and several Jehovah's Witness publications were included on a May 2014 police list of alleged "banned" religious literature, based on State Committee "expert analyses". Police have long confiscated texts named on the list, as well as other texts during raids on private homes and meetings of people exercising their right to freedom of religion or belief.

17. There is a highly restrictive censorship regime. All religious literature printed in and imported into the country must gain specific approval from the State Committee for Work with Religious Organisations. The State Committee also specifies the number of copies of each named work that may be printed or imported, checks the contents of shops selling religious literature, and has a list of banned religious literature which has not made public.

18. After confiscating the religious books they found, police then arrested everyone and took them to a police station for six hours of questioning until 10.30 pm. Aliyev was later fined the equivalent of more than three months average salary (worth far more for those - like Aliyev - without formal work), for "violating rules established by legislation on holding religious meetings, marches, and other religious ceremonies".

19. Judge Mirbahaddin Huseynov dismissed Aliyev's arguments in court that the punishments violated his rights under Article 9 of the European Convention on Human Rights and Fundamental Freedoms. "We believe our decision is correct and legal," Judge Huseynov told Forum 18. Told that Azerbaijan – as a member of the Council of Europe – is obliged to respect the right to freedom of religion or belief set out in the Convention, he put the phone down.

20. Police then summoned parents and children of meeting participants, telling one of them that they had committed an "offence" and warned them all against breaking the Administrative Code "offence" of "failure by parents and guardians to fulfil upbringing and educational responsibilities".

21. Raids and fines for meeting privately without state permission to read religious books can also happen if the people are in the open countryside. On 31 May 2017 Sheki Appeal Court upheld a fine of 1,500 Manats for holding an "illegal" religious meeting imposed on Sunni Muslim Shahin Ahmadov. Police detained him for reading aloud from the works of theologian Said Nursi to three friends, while they were all enjoying a picnic in the mountains near the northern town of Qakh. Half an hour after Ahmadov began reading aloud, plain-clothed police officer Elburus Eminov came upon them and asked what they were reading. He then ordered them to accompany him to Qakh District Police Station. Their books were confiscated and Ahmadov's home in Qakh was searched. Three copies of the Koran, 68 books by Nursi, other religious books, one disc and three exercise books with Koranic verses written inside were confiscated. Police refused to tell Forum 18 if they routinely patrol forests and mountains to discover people reading religious books aloud.

### **Forcible closures of places of worship**

22. The government has repeatedly nationwide forcibly closed and taken over Sunni Muslim mosques on various pretexts such as an alleged need for “repairs”. For example, all Baku's Sunni mosques such as the Lezgin Mosque, the Abu Bekr Mosque, and the Martyrs' Mosque (also known as the Turkish Mosque) have been closed. In a typical example, a Sunni Mosque in Qobustan near Baku was forced to give up its Sunni identity. The State Committee for Work with Religious Organisations warned its leaders that if they did not liquidate the community, 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 with the state demand, and complied with the forced January 2015 state imposition of a Shia Caucasian Muslim Board imam. The government insists that all mosques must be subject to the state-controlled Caucasian Muslim Board, which also must name all mosque prayer leaders.

### **Nakhichevan**

23. In the Nakhichevan exclave people's ability to exercise human rights, including freedom of religion or belief, is far more restricted than in the rest of Azerbaijan. There is a de facto ban on people exercising freedom of religion or belief who are Shia Muslims outside state control, Sunni Muslims, Baha'is, Seventh-day Adventists, Hare Krishna devotees, and Russian Orthodox. There is long-standing tight government surveillance of mosques, the only places of worship permitted, and many have been closed. Many people are afraid to attend mosques.

### **The future?**

24. Without fundamental changes in the actions of officials - especially genuine independently verifiable implementation of the state's international human rights obligations – Azerbaijan is likely to remain a place where fundamental human rights are violated with impunity. (END)