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AZERBAIJAN: Unregistered worship "illegal" - but under what law?

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

Police in Azerbaijan have raided another Jehovah's Witness meeting, Forum 18 News Service has learnt. In the latest raid, nine Jehovah's Witnesses were detained and threatened. "We consider the police raid unlawful since the Constitution of Azerbaijan gives us the right to gather for worship and Azerbaijani law does not require registration to come together to study the Holy Scriptures," a Jehovah's Witness told Forum 18. The community will continue to meet, he insisted. Officials repeatedly insist that unregistered worship is banned by the Administrative Code. Article 299 of this Code lists three "offences": avoiding state registration, violating regulations over organising religious events and attracting children to religious events. Violations can be punished with fines of between 10 and 15 times the minimum monthly wage. However, state registration is not legally required for religious activity to be conducted. Meanwhile Baptist Pastor Hamid Shabanov's trial is once again due to resume, after repeated delays, on 4 February.

Police raided a Jehovah's Witness meeting in the village of Sevinj not far from Azerbaijan's second city Gyanja [Ganca] on 18 January, Jehovah's Witnesses told Forum 18 News Service. Nine Jehovah's Witnesses were taken to the police station where they were threatened with administrative penalties, but all were freed later that day. "We consider the police raid unlawful since the Constitution of Azerbaijan gives us the right to gather for worship and Azerbaijani law does not require registration to come together to study the Holy Scriptures," one Jehovah's Witness told Forum 18. The community will continue to meet, he insisted. Officials insist the gathering was illegal.

The threats to the Jehovah's Witnesses came as the long-running trial of Baptist pastor Hamid Shabanov drags on in the north-western town of Zakatala [Zaqatala]. At the same time, the Abu-Bekr mosque in the capital Baku and the Georgian Orthodox church in the village of Kurmukh (near Gakh [Qax]) remain closed by the authorities (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246).

Azeri customs officials also continued to confiscate religious literature, as part of the country's system of religious censorship (see F18News 6 August 2008 http://www.forum18.org/Archive.php?article_id=1168 and 24 February 2009 http://www.forum18.org/Archive.php?article_id=1259).

Anar Alizade, who handles non-Muslim religious communities at the State Committee for Work with Religious Organisations, insisted that the Gyanja police were acting in accordance with the law. "It wasn't a raid," he told Forum 18 from Baku on 28 January. "The Jehovah's Witnesses violated the law as they are not registered in Gyanja."

Asked which law banned individuals from meeting for religious purposes in private homes Alizade cited Azerbaijan's Administrative Code, insisting that it requires legal entities to function only in the place where they are registered. "The Jehovah's Witnesses only have a registered organisation in Baku, so they can only function there," he told Forum 18. Told that Forum 18 could find no part of the Administrative Code that banned individuals without a legally-registered entity from meeting for worship, Alizade repeated that such worship without registration is banned.

Jehovah's Witnesses told Forum 18 on 22 January that some 80 adherents had gathered in a private home in Sevinj on 18 January "to study the Bible and articles in our Watchtower magazine". They said police arrived about noon, yelling at those present and seizing nine of those present, forcing them to go to the Kapaz District police station.

There, officers shouted at the nine detainees, criticising their faith, asking why they do not go to mosques and why they had joined the Jehovah's Witnesses. Jehovah's Witnesses told Forum 18 that none of the detainees was beaten. "Police wouldn't say why they had been detained but tried to force them to write and sign statements. But they all refused." Jehovah's Witnesses report that they were threatened with prosecution under Article 299 of the Code of Administrative Offences, though officers refused to specify which offences under the Article they were accused of violating.

Article 299 of the Administrative Code lists three "offences": avoiding state registration, violating regulations over organising religious events and attracting children to religious events. Individuals violating this Article are punished with fines of between 10 and 15 times the minimum monthly wage. However, Azerbaijani law does not require state registration before religious activity can be conducted, despite state officials regularly insisting that the law does require this.

The Jehovah's Witnesses report that five of the nine detainees were freed in the afternoon, while the other four – three men and one woman – were released only in the evening after seven hours detention. The police told them that investigations would continue and they could be punished. However, Jehovah's Witnesses confirmed to Forum 18 on 28 January that police have so far taken no further action against the nine. "I doubt any investigation is going on," one Jehovah's Witness told Forum 18. "The whole raid was designed to intimidate them." The nine will be filing complaints against the police.

Jehovah's Witness in Azerbaijan state that this was the first raid on one of their meetings since a raid in Baku in November 2008 (see F18News 13 November 2008 http://www.forum18.org/Archive.php?article_id=1217).

Forum 18 was unable to speak to Firdovsi Kerimov, the Gyanja representative of the State Committee for Work with Religious Organisations. The man who answered both his office phone and his mobile on 23 January said he was not available and hung up immediately. Subsequent calls went unanswered.

Declining to comment on why the peaceful Jehovah's Witness meeting had been raided were officers of the Kapaz District police. Reached on 23 January, the duty officer – who did not give his name – referred all enquiries to the District police chief, Elchin Gasymov. However, the man who answered Gasymov's phone on 28 January told Forum 18 it was a wrong number.

Officials have repeatedly insisted in the Azeri media that the Jehovah's Witness meeting was "illegal". Several television stations reported on the raid, including ANS on 20 January, a day marked as "Black January" commemorating the victims of the brutal Soviet assault on Baku in 1990. Kerimov of the State Committee for Work with Religious Organisations was interviewed on ANS claiming – without evidence – that Jehovah's Witnesses spoke of Armenians as "brothers" and that they would not take up arms against them. "Statements like that from officials may incite people against the community," one commentator told Forum 18 from Baku.

80 Jehovah's Witness prisoners of conscience, jailed for refusing to do compulsory military service, are in prison in Armenia (see F18News 11 December 2008 http://www.forum18.org/Archive.php?article_id=1228).

Azeri officials frequently portray minority religious communities in the media as traitors to the country and under the sway of foreigners, often claiming that they are Armenian spies, an inflammatory accusation given the long-running conflict between Azeris and Armenians over the Nagorno-Karabakh region. For example the head of the Baptist Union, Ilya Zenchenko, has been falsely accused of being an "Armenian spy who acts only for money" (see F18News 30 July 2008 http://www.forum18.org/Archive.php?article_id=1165).

Meanwhile Baptist Pastor Hamid Shabanov's trial is due to resume in Zakatala on 4 February, his lawyer Mirman Aliev told Forum 18 from Baku on 28 January. The Baptist pastor is being tried under Article 228 Part 1 of the Criminal Code of illegal possession of a weapon, which is punishable by up to three years' imprisonment for those found guilty.

Shabanov, his family and his congregation vigorously refute the charge. They argue that the case was lodged to punish him for leading his Baptist congregation in his home village of Aliabad near Zakatala which the authorities do not like (see F18News 13 November 2008 http://www.forum18.org/Archive.php?article_id=1217).

Another of the congregation's pastors, Zaur Balaev, was freed from prison in March 2008 after being sentenced on what his congregation insists were equally trumped-up charges (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102).

Pastor Shabanov was arrested in June 2008 and spent twenty weeks in prison, but was transferred to house arrest in November 2008. His trial began in July 2008 and hearings have dragged on since then. The most recent hearing took place on 26 January. "The law specifies no limit on the length of any trial," his lawyer Aliev told Forum 18. "But we will take as long as we need to have him acquitted, though this is difficult."

Alizade of the State Committee dismissed suggestions that Shabanov is being punished for his faith. "It's nothing to do with religion – it's in the hands of the Ministry of Justice," he told Forum 18.

Asked why Shabanov's congregation has been denied state registration for some 16 years (see eg. F18News 6 November 2008 http://www.forum18.org/Archive.php?article_id=1214), Alizade responded: "No-one has complained to us." However, when Forum 18 pointed out that Baptists have made numerous complaints over many years to the State Committee, Alizade admitted that complaints had been received. He then also admitted that officials have been discussing the denial of registration with Baptists, including a visiting delegation from the European Baptist Federation in mid-January. (END)

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482.

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1192.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=23>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806.

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

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