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AZERBAIJAN: "Unpleasantness with the law" for worshipping?

By Felix Corley, Forum 18

Religious communities punished for meeting for worship in Azerbaijan, or who have had religious literature confiscated, continue to formally appeal against these human rights violations, they have told Forum 18 News Service. For example, Jehovah's Witnesses and Muslim readers of the works of Said Nursi have demanded the return of confiscated literature. But despite repeated appeals over more than 15 years – most recently in early 2010 – for the Baptist church in Aliabad to be registered, its application has still not been granted. Police visited its pastor in late April, to warn him not to gather church members for worship or they would face unspecified "unpleasantness with the law". Violations of freedom of religion or belief in Azerbaijan have been occasionally successfully challenged, but the only example in 2010 known to Forum 18 is an appeal against a fine imposed on one Muslim reader of Nursi's works. Despite many such protests not being successful, for example to re-open mosques and churches, one Muslim insisted to Forum 18 that publicly challenging violations is crucial to defend religious freedom.

Religious communities punished for meeting for worship, or who have had religious literature confiscated, continue to appeal to officials over these human rights violations Forum 18 News Service notes. Jehovah's Witnesses have written to Azerbaijan's State Committee for Work with Religious Organisations to demand the return of confiscated religious literature. Despite repeated appeals over more than 15 years – most recently in early 2010 – for the Baptist church in the northern town of Aliabad to be registered, its application has still not been accepted. Instead, police visited its pastor in late April to warn him not to gather church members for worship. And readers of the works of the late Turkish Muslim theologian Said Nursi are still trying to recover books confiscated in 2007 and never returned.

Violations of freedom of religion or belief in Azerbaijan have been occasionally successfully challenged. But the only example in 2010 known to Forum 18 is an appeal against a fine imposed on one Muslim reader of Nursi's works.

Recent appeals from members of two mosques forcibly closed by the state in the capital Baku, and in Azerbaijan's second city Gyanja [Gäncä], have so far failed to secure their reopening. Similarly some Christian churches remain forcibly closed, despite the protests of congregations (see F18News 7 May 2010 http://www.forum18.org/Archive.php?article_id=1441).

Baptist church warned not to meet

On 30 April, two police officers visited the home of Pastor Zaur Balaev, who leads a Baptist congregation in the small town of Aliabad in the north-western region of Zakatala [Zaqatala]. Balaev told Forum 18 on 10 May that Captain Khalid Mamedov of the Criminal Investigation Department and the local police sergeant warned him verbally that he does not have the right to gather church members for worship, as the church does not have registration. "They warned me of 'unpleasantness with the law' if we carry on meeting," Balaev told Forum 18. They did not specify what this meant.

Balaev said the police filmed the room in the house where the Church meets, and studied closely all the religious books they could find. One officer questioned why some of the books did not indicate the name of the publisher at the back.

Under Azerbaijan's system of censorship of religious literature, all religious literature produced or sold in the country or imported into it needs permission from the State Committee. The already severe censorship system was further tightened in 2009 (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

Although the police did not explain why they were filming and examining his religious literature, "they were studying how they might move in future", Pastor Balaev told Forum 18. Captain Mamedov told him that he had been told to show the film to his superior officer. Although he did not identify his superior, Pastor Balaev believes he was speaking of Faik Shabanov, the head of Zakatala District Police who has often targeted the church (see eg. F18News 21 June 2008 http://www.forum18.org/Archive.php?article_id=1146).

Captain Mamedov completely refused to explain to Forum 18 from Aliabad on 11 May why he had visited Balaev's home, filmed it and inspected his literature and warned him not to allow the church to meet. "Without an instruction from the Interior Ministry in Baku, I can't talk to you," he told Forum 18. Police chief Shabanov's telephone went unanswered each time Forum 18 called on 11

May.

The Baptist Church in Aliabad has been seeking registration in vain since the mid-1990s and Forum 18 thinks it to be the religious community in Azerbaijan which has been denied registration for the longest time. The local notary in Zakatala – where the official founders of the community have to have their signatures notarised before an application can proceed – has repeatedly refused to do so, preventing successive applications from proceeding (see F18News 7 April 2010 http://www.forum18.org/Archive.php?article_id=1429).

Pastor Balaev was imprisoned from May 2007 to March 2008, on charges his church insist were trumped up to punish him for his religious activity. One of those who testified that he had hit five police officers and damaged their car was Captain Mamedov. In June 2008 another of the church's leaders, Hamid Shabanov, was arrested, not being freed until February 2009 (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254).

The Church has repeatedly appealed to the government in Baku over the denial of registration, most recently writing to Hidayat Orujev, the Chair of the State Committee at the beginning of 2010.

Literature confiscated

Jehovah's Witnesses have regularly experienced literature confiscations. More than 30 out of 250 Jehovah's Witnesses from Azerbaijan, who attended a weekend congress in neighbouring Georgia, were detained for up to nine and a half hours on their return to Azerbaijan. They also had personal religious literature confiscated from them, Jehovah's Witnesses told Forum 18. Five coaches were stopped by Azerbaijani customs officers at about 5.30 pm on 25 April, at the Sinik Korpu crossing point near the Red Bridge on the Georgian-Azerbaijani border.

Customs officers confiscated at least 33 copies of the Bible or Gospels – including individuals' personal copies – as well as other Jehovah's Witness books. "What legal justification could there possibly be for confiscating a citizen's personal copy of the Holy Scriptures?" Jehovah's Witnesses asked. At least 14 people had personal notebooks from the congress confiscated, but these were later returned. Border posts have also been the scene of past literature confiscations from people of many faiths (see eg. 24 February 2009 http://www.forum18.org/Archive.php?article_id=1259).

Jehovah's Witnesses told Forum 18 that no official record of confiscation was drawn up for any of the confiscated books, and no reason given for their confiscation. They point out that taking another person's property without legal justification is theft, punishable under Article 177 ("Theft of property") of Azerbaijan's Criminal Code.

They also complain that the first coach was allowed to leave only at 11.30 pm, and the final two not until 3 am. This caused "considerable hardship" to the more than 30 elderly and infirm and more than 30 mothers with children, they stressed.

Complaint against literature confiscations

The victims' lawyer, Jason Wise, wrote a letter of complaint to Orujev of the State Committee for Work with Religious Organisations on 30 April, which Forum 18 has seen. "It is obvious my clients were targeted because they are Jehovah's Witnesses," he wrote. Wise said some had been told the literature would be handed over to the State Committee, and he demanded it be returned to his clients immediately together with an apology. Wise also sent the letter to Elmira Suleymanova, the Human Rights Ombudsperson, and the Interior Ministry.

Jehovah's Witnesses told Forum 18 that as of the end of 11 May, no reply had been received.

No one at the State Customs Committee in Baku or its regional branch in Tovuz (under whose jurisdiction the crossing point falls) was prepared to discuss the searches and confiscations with Forum 18 on 6 May.

Appeals against book confiscations

Three of the seven Muslim readers of the works of Said Nursi who were fined in Sheki in February (see F18News 25 February 2010 http://www.forum18.org/Archive.php?article_id=1414) had their appeals rejected, by Sheki Appeal Court on 15 March.

The Appeal Court initially refused to accept an appeal to have their confiscated books returned, but after pressure from Nursi devotees it did accept it. However, on 14 April the Court said it was asking the State Committee in Baku to send its decision on whether the confiscated books are authorised for use in Azerbaijan or not.

In a further complaint lodged on 5 May to Ujar District Court in central Azerbaijan, Nursi readers who had 26 of their books confiscated in 2007 are trying to recover them from the police.

"No one has ever banned Said Nursi's books in Azerbaijan," one Nursi reader told Forum 18 on 5 May. "Yet they still confiscate

them and refuse to return them." The reader pointed out that the only official ruling on their books that they are aware of is a 3 August 2006 letter to the Customs Committee from the State Committee's Elchin Aleskerov – seen by Forum 18 – declaring that 14 named Nursi publications had been confiscated on import to the country "because of their negative influence on the religious situation in the country".

No one at the State Committee in Baku was prepared to discuss the confiscations with Forum 18 on 6 May.

"Illegal" religious books

Three Jehovah's Witnesses are also appealing against fines imposed on them for having allegedly "illegal" literature, Jehovah's Witnesses told Forum 18 on 4 May. The three women – Salatyn Iskenderova, Shafiga Mamedova and Gulnaz Hasanova – were detained by police in Agstafa District of north-western Azerbaijan on 26 April, when 408 religious books were found in their possession, the Interior Ministry website reported the following day. It claimed the books were illegal.

Jehovah's Witnesses said that, after being detained on 26 April and held for some six hours, the three women were freed after midnight and told to come back to the police station in the morning. They were then taken to Agstafa District Court, where they were found guilty under Article 300.0.2 of the Code of Administrative Offences (distributing religious literature without state permission), one of the new "offences" introduced in 2009 (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305). All three women were fined 200 Manats (1,480 Norwegian Kroner, 187 Euros or 238 US Dollars) each, estimated to be about three weeks' average wages for those in work.

The officer who answered the phone of Agstafa District's police chief – who did not identify himself – insisted that the court had fined the women, not the police. Asked why they had been detained at all, the officer claimed not to know anything.

Meanwhile, in Mingeçaur in central Azerbaijan, the town police conducted "operational-investigational measures" to raid a private flat where two Jehovah's Witnesses were living, the Interior Ministry website reported on 2 May. It said police confiscated 591 religious publications, DVDs and cassettes. Police accused the two female residents – Aybeniz Mahmudova and Sevinj Garavelieva – of conducting "illegal religious propaganda" and began an investigation.

Mingeçaur police refused to explain why they raided the two women's home, referring Forum 18 on 6 May to senior investigator Aydin Abyshov. However, he categorically refused to discuss the case with Forum 18.

Also refusing absolutely to discuss the Agstafa and Mingeçaur cases with Forum 18 on 5 May was the western regional branch of the State Committee in Gyanja.

Fine overturned, but other appeals fail

The only 2010 successful appeal against a religious freedom violation known to Forum 18 involves Muslim reader of Nursi's works Naila Ahmedova. She was brought to court in the northern town of Khachmaz [Xacmaz] on 4 February, and fined 100 Manats (740 Norwegian Kroner, 90 Euros, or 120 US Dollars) under Article 299 Part 3 of the Code of Administrative Offences. This states that "the holding by clergy and members of religious associations of meetings and the creation of labour, literary and other circles and groups not connected with the conducting of religious rituals with the aim of attracting young people and youth carries a fine of 10 to 15 times the minimum monthly wage for responsible figures" (see F18News 25 February 2010 http://www.forum18.org/Archive.php?article_id=1414).

However, on 15 March Ahmedova's appeal to Sumgait Appeal Court was successful, and her fine was cancelled, other Nursi readers told Forum 18.

Other Muslims Nursi readers who have been fined, or given short term detention, for meeting together have failed to overturn their punishments on appeal. Three of the seven who were fined in Sheki in February (see F18News 25 February 2010 http://www.forum18.org/Archive.php?article_id=1414) had their appeals rejected by Sheki Appeal Court on 15 March.

After another complaint, this time in Khachmaz Region over what Muslims state was police maltreatment of female Nursi readers during police raids in January, Deputy Police Chief Misir Imamaliev blocked their complaint to the Regional Court. Nursi readers claim that one Muslim, who was seven and a half months pregnant, went into early labour soon after.

Forum 18 was unable to reach police chief Imamaliev on 6 May.

Is protesting against violations worthwhile?

Many religious communities suffering violations of their members' freedom of religion or belief in recent years have told Forum 18 they are too afraid of state reprisals to complain in public. They have also stated that they see no point in challenging such violations through the courts, regarding them as a tool of powerful officials.

However, while acknowledging that the appeal against police mistreatment in Khachmaz was blocked, one Muslim Nursi reader insisted to Forum 18 that publicly challenging violations is crucial in defending the right to religious freedom. The Nursi reader pointed out that their fellow-believers have not been raided by police since March, after their many appeals and complaints were launched. "When we lodge complaints, the police stop." (END)

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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.

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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