

22 December 2011

AZERBAIJAN: "Without registration you can't pray"

By Felix Corley, Forum 18

Following a police raid on Baptists meeting for worship in Neftechala in Azerbaijan, Pastor Telman Aliyev, his wife (who was not present during the raid), and all the Church members have been summoned for police questioning on 23 December, after threats of criminal prosecution have been made against the pastor. The authorities declared the Church "closed" and sealed its building (though it was later unsealed), and confiscated all the books they could find, Forum 18 News Service has learnt. Officials also asked for the full addresses of all Church members, and what ethnicity they are. The State Committee for Work with Religious Organisations official responsible for the area, who took part in the raid and would not give his last name, insisted to Forum 18 that: "Without registration you can't pray. We close any place of worship that isn't registered, including mosques." He then insisted: "We don't ban, we just demand documents." The Church has applied for re-registration, but like very many communities of all faiths its application has not been answered. Exercising the right to freedom of religion or belief without state permission is illegal in Azerbaijan, in defiance of international human rights standards.

Following a raid on Baptists meeting for worship in the town of Neftechala south-east of Salyan in southern Azerbaijan, members of the small Church remain unsure whether their pastor will face criminal charges, Forum 18 News Service has learnt. Pastor Telman Aliev was told a criminal case has been opened against him after the 11 December raid, but Prosecutor's Office officials refused to confirm or deny this to Forum 18. They and the local police refused to explain why they sent eight officials – including six police officers – to raid people meeting for worship. But they insisted they needed to take away all the books the Church had, "so that they can be checked to see if they are banned".

The books – Bibles, New Testaments, Baptist magazines and brochures, as well as Biblical audio and video recordings – have been sent to the capital Baku to the State Committee for Work with Religious Organisations. This agency carries out Azerbaijan's compulsory prior censorship of all religious literature (see eg. F18News 12 April 2011 http://www.forum18.org/Archive.php?article_id=1561).

Where do you live? Did you join voluntarily? What ethnicity are you?

Officials asked Pastor Aliev for the full addresses of all Church members, saying they would ask them how they became Church members and whether they attended voluntarily. They also wanted to know how many were ethnic Russians and how many ethnic Azeris.

"I've had warnings before, but nothing like this," Pastor Aliev told Forum 18. Pastor Ilya Zenchenko, the Baku-based head of Azerbaijan's Baptist Union, told Forum 18 on 19 December that "of particular concern is that the police asked each Church member how they joined and whether this was voluntary," he complained. "How can they ask such questions?"

"We close any place of worship that isn't registered, including mosques"

The State Committee official for the area of southern Azerbaijan including Neftechala, Ibrahim (who would not give his last name), admitted to Forum 18 that he had taken part in the 11 December raid, "but only as a witness". "Everyone must have registration," he insisted to Forum 18 on 20 December. "Without registration you can't pray. We close any place of worship that isn't registered, including mosques." He then insisted: "We don't ban, we just demand documents."

Ibrahim refused to say definitively whether any mosques in his area had been closed. But he said that all forty mosques in his area had been warned that they must bring their documents "in order". "They're now preparing their documents."

Asked why the Neftechala Baptist congregation was raided in the middle of its worship service, Ibrahim responded: "Ask the National Security Ministry [NSM secret police] and the Police – they're the ones who banned them. I'm just a little person."

Raid, Church sealed

The most recent trouble for the Neftechala Baptist congregation began on the morning of 11 December. About eight congregation

members – mostly elderly women – were present. The eight officials – six police officers of varying ranks, the State Committee official, and an official from the local Housing Department - arrived midway through its Sunday service, Pastor Aliev told Forum 18. They were accompanied by two neighbours brought in as the official witnesses.

The officials listened to the end of the service before questioning those present. They then told Church members that the Church was "closed", took the keys to the building, drew up an official record, and sealed the building so that Church members could not enter.

Pastor Aliev was summoned to the Prosecutor's Office in Neftechala on 16 December. He was then taken to the sealed Church, where officials seized all the literature they could find. They listed around 200 items, and then sent the publications to the State Committee in Baku.

Also taken was documentation related to the ownership of the house and the Church's car. However, the officials unsealed the church, and the congregation was able to meet for Sunday worship on 18 December.

Will Pastor face criminal case?

Pastor Aliev told Forum 18 that investigators at the Prosecutor's Office refused to give him the documents on the case. Investigators claiming that this was not possible as "a criminal case had been launched over religious literature arousing incitement over other faiths".

Aliev said that both he and his wife (who was not present on 11 December) face further questioning at the Prosecutor's Office on 23 December. All the Church members are also being summoned for questioning on 23 December, as well as to give statements.

One Neftechala District Prosecutor's Office official, who would not give his name, insisted to Forum 18 on 21 December that no criminal case had been opened against Pastor Aliev. "It was merely a check-up." He referred all further enquiries to Anar Mirkishiev, the Prosecutor's aide who is handling the case.

That same day, Mirkishiev refused to say whether a criminal case had been launched or was likely. "The police handed the case to the Prosecutor's Office," he told Forum 18. "Now the State Committee in Baku is investigating whether or not the books are banned. When they tell us, I will call Telman Aliev."

Asked whether a small religious community of fewer than ten people merited a raid by as many police officers and other officials and the confiscation of every one of its books, Mirkishiev eventually responded: "I don't believe they are dangerous people. It's just an investigation." However, he then insisted that "no-one said the Baptists and Telman Aliev were either good or bad".

Neftechala District Police Chief Rza Hajiyev was out of the office each time Forum 18 called on 21 December, fellow officers said. The duty officer refused to discuss why so many officers of varying ranks had raided a religious community. "All materials are now with the Prosecutor's Office." He then put the phone down.

In 2003 and 2004, the authorities put pressure on Pastor Aliev not to live in the house to serve the local congregation, and he was forced to move to Baku. He continues to travel down each week to lead worship in the Neftechala Church.

Pastor Aliev and a fellow Church member were summoned one by one by the police for "preventative conversations" in November 2007 (see F18News 16 November 2007 http://www.forum18.org/Archive.php?article_id=1049). Aliev told Forum 18 that police have occasionally visited the congregation since, including several visits about a year ago.

Tight restrictions

Restrictions on exercising the internationally-recognised right to freedom of religion or belief are particularly tight in Azerbaijan. For example, following passage of its latest set of legal changes – the third such change in three years - groups of people who produce or distribute religious literature or objects without going through the compulsory prior state censorship now face prison terms of two to five years, or maximum fines equivalent to nearly nine years' official minimum wage per person. Among the other new "offences" introduced was the "crime" of leading Islamic prayers by those who have studied abroad, along with massively increased fines for a range of existing "offences" (see F18News 15 December 2011 http://www.forum18.org/Archive.php?article_id=1648).

Exercising the right to freedom of religion or belief without state permission is illegal, in defiance of international human rights standards. Several hundred religious communities which lodged registration applications at the State Committee to gain such permission, before the deadline of the end of 2009, have still not had their applications processed.

State Committee officials have claimed that religious communities whose registration applications have not been dealt with can still function under their old registration. But this is not the experience of communities who have been raided and banned from meeting - in one case with the use of riot police - despite applying for re-registration. At the same time, President Ilham Aliyev claimed that

"freedom of religion, freedom of conscience have been fully established in Azerbaijan" (see F18News 8 June 2011 http://www.forum18.org/Archive.php?article_id=1578). Recently, heavy fines and warnings for meeting for worship without the compulsory state registration have been given to Jehovah's Witnesses and Muslims (see F18News 14 December 2011 http://www.forum18.org/Archive.php?article_id=1547).

"Religious communities whose applications for re-registration are still pending remain in a state of uncertainty as to whether they are truly free to pursue their religious activities without encountering judicial problems," Council of Europe Human Rights Commissioner Thomas Hammarberg complained on 29 September. He pointed out to the Azerbaijani authorities that the Council of Europe European Commission against Racism and Intolerance (ECRI) had "recommended that the authorities swiftly complete the procedure for the registration of religious communities currently under way, taking into account the case-law of the European Court of Human Rights."

In its response, published on the Commissioner's website on 29 September, the Azerbaijani government claimed that "the registration cards of previously [registered] religious communities which applied for re-registration after the entry into force of the new amendments, but were rejected the registration have not lost their legal validity. These religious communities can continue to carry out their activity freely. To be clear, their registration can be annulled only by the court decision upon the request of the State Committee. So far, the State Committee has not applied to the Court requesting the termination of the registration of any religious community."

Many religious communities however – like the Neftechala Baptist Church - have not been able to gain registration in the past decade. "Everyone tries not to be noticed," a member of one religious community which has faced occasional threats told Forum 18.

Permission to exist in Soviet times, but not now

The Neftechala Baptist congregation has worshipped in the same building – a house left to the congregation by a Church member – since the 1960s, when Azerbaijan was part of the Soviet Union. The congregation has existed since 1953, and in 1966 the Soviet Council for Religious Affairs confirmed it as the Church's place of worship. Registration was lost in 1999, following attempts to re-register the Church during one of the five times since 1992 that communities have been forced to re-register. After 1999, the Church's re-registration attempt was blocked by the State Committee (see F18News 3 November 2005 http://www.forum18.org/Archive.php?article_id=681).

Following passage of the 2009 Religion Law, the Church has applied once again for registration. Like many communities, its application has remained unanswered.

Compulsory re-registration = de-registration

Religious communities have been forced to re-register five times from 1992 to 2011. They had to re-register after the adoption of the original Religion Law in 1992. They also had to re-register in 1994 and 1999 after changes to the Law, and in 2001 after the State Committee was set up. The fifth round of re-registration has followed the 2009 Religion Law. Each time, vulnerable religious groups struggled to gain re-registration (see F18News 6 May 2009 http://www.forum18.org/Archive.php?article_id=1291).

For example, the Baptist Union had ten registered congregations in 1992. After compulsory re-registration in 1994 it was six. After compulsory re-registration in 1999 it was two. By 2009 – before the latest round of compulsory re-registration - the Union had been able to register three congregations, in Baku, in the port city of Sumgait [Sumqayit] and in Azerbaijan's second city of Gyanja [Gänçä]. Now it has no registered congregations. Six congregations have been waiting in vain for registration from the State Committee since 2009.

Waiting for registration..

In 2011, the State Committee only registered 60 of the religious communities which lodged registration or re-registration applications in 2009, according to the statistics published on its website. In December 2010, a total of 510 communities (493 Muslim and 17 of other faiths) were listed as registered. As of 22 December, a total of 570 are listed (550 Muslim and 20 of other faiths).

But a large number of religious communities – including many mosques, almost all Protestant communities, as well as Jehovah's Witnesses – have still been waiting for re-registration since 2009 (see eg. F18News 8 June 2011 http://www.forum18.org/Archive.php?article_id=1578).

State Committee censorship

It remains unclear when the State Committee will decide whether the Bibles, New Testaments and other literature seized from the Neftechala Baptist Church is "banned". Religious literature is frequently confiscated from religious communities of a variety of faiths during police raids (see eg. 27 July 2011 (see eg. F18News http://www.forum18.org/Archive.php?article_id=1598).

Unusually, the authorities have returned more than 4,000 items of literature to the Council of Churches Baptist congregation in Sumgait. The items were seized during a June raid (see F18News 13 June 2011 http://www.forum18.org/Archive.php?article_id=1579). Congregations of the Council of Churches Baptists refuse to apply for state registration. "All the literature confiscated from us was returned, thank God," a member of the congregation told Forum 18 on 21 December. "The documents noted that all the literature was legal."

State Committee officials repeatedly state that they have "banned" items of literature that violate the law. Forum 18 asked the State Committee in writing on 15 December for a list of religious books which have failed to pass through its censorship (see eg. F18News 12 April 2011 http://www.forum18.org/Archive.php?article_id=1561). However, Forum 18 had received no response by the end of 22 December. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690.

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://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan>.

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