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AZERBAIJAN: 12 April liquidation for Baku church?

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

Judge Tahira Asadova at Baku's Administrative Economic Court No. 1 will hand down her decision on 12 April whether Greater Grace Protestant Church in the Azerbaijani capital is to be liquidated, her assistant told Forum 18 News Service. If she rules to liquidate the Church's legal status, all its activity will become illegal and its members will be liable to prosecution. The Church insists that one state agency – in this case the State Committee for Work with Religious Organisations – cannot seek the liquidation of legal status granted by another – in this case the Justice Ministry, which registered the Church in April 1993. The Church insists it has never broken the law, but the State Committee told the Court it has "secret documents" – which it refused to reveal – testifying to violations. Meanwhile, the second known raid on a Muslim home in March has seen further works by the late Turkish Muslim theologian Said Nursi confiscated and handed to the State Committee for "expert analysis".

Nearly 19 years after gaining state registration with Azerbaijan's Justice Ministry and despite no complaints about its conduct, the Protestant Greater Grace Church in the Azerbaijani capital Baku could be liquidated within two weeks, Forum 18 News Service has learnt. The Judge hearing the liquidation suit lodged by the State Committee for Work with Religious Organisations is to give her decision on the afternoon of 12 April when the case resumes, her assistant told Forum 18 from the court on 30 March. If the Judge rules to liquidate the church, all its activity will become illegal and its members will be liable to prosecution. Meanwhile, in the second such known incident in March, police have raided a further group of Muslims who read the works of the late Turkish Muslim theologian Said Nursi, confiscating books.

The suit to liquidate Greater Grace Church is thought to be the first attempt to compulsorily close a religious community through the courts since the latest round of compulsory re-registration was imposed by the harsh 2009 Religion Law.

Once again, Saleh Aslanov, spokesperson for the State Committee, declined to answer any questions, either about the Committee's attempt to deprive Greater Grace Church of its legal status, the "expert analysis" its officials are undertaking on the confiscated books by Nursi or anything else. "So many times I've explained to you that we don't answer enquiries by telephone," he told Forum 18 from Baku on 30 March.

Asked why he had not answered Forum 18's questions sent in writing on 13 March, Aslanov responded that Forum 18 had sent "more than twenty questions". "No official could answer those even within one hour."

Liquidation decision due 12 April

The State Committee lodged the suit to liquidate Greater Grace Church in December 2011, arguing that it had to be liquidated as it had not undergone the compulsory re-registration with the State Committee. The first hearing was held on 15 March 2012 under Judge Tahira Asadova at Baku's Administrative Economic Court No. 1 (see F18News 15 March 2012 http://www.forum18.org/Archive.php?article_id=1678).

The second hearing in the suit took place late in the afternoon on 29 March and lasted about half an hour, the Judge's assistant Sevinj Ahmedova told Forum 18. She said the next hearing, at 4 pm on 12 April, will be when Judge Asadova hands down her decision.

A monitor from the Office in Baku of the Organisation for Security and Co-operation in Europe (OSCE) also attended the hearing, taking notes. The OSCE had also monitored the 15 March hearing.

Church responds to accusations

At the 29 March hearing, Sabina Allahverdieva of the State Committee's Legal and Registration Department – who had prepared the December 2011 suit – accused Greater Grace of failing to gain re-registration with the new State Committee after it was formed in 2001. The Church's lawyer, Chingiz Zeynalov, countered that all the documentation on registered religious communities was handed to the State Committee when it was founded. He said the State Committee could have registered Greater Grace Church had it wished to, church members told Forum 18 on 30 March.

The lawyer pointed out that the Church was registered with the Justice Ministry in accordance with the law, eight years before the State Committee was founded, adding that the law does not have retroactive force. The lawyer also pointed out that in eleven years of the State Committee's existence, not once had the Church received any request from it to change its legally-registered Statute or warning that it was violating the law.

Allahverdieva was only able to produce one letter from the State Committee to the Church – a 2002 letter inviting Church representatives to visit the State Committee. "Just one letter in eleven years of the State Committee's existence is a perfect illustration of its inactivity," church members told Forum 18.

Allahverdieva said that the Church's leaders were invited to the State Committee in January 2011 to be told that the period for lodging re-registration applications had expired at the end of 2009, and that the Church therefore no longer had the right to registration with the State Committee. Asked by Judge Asadova if the State Committee had written to the Church to warn it, Allahverdieva responded that there was no need as the Religion Law was published and the State Committee therefore did not need to do so.

The Church's lawyer blamed the State Committee for telling the Church of the requirement to re-register only when the deadline had expired. He pointed out that Article 7 of the State Committee's Statute obliges it to help religious organisations in gaining registration.

Allahverdieva told the Court that in January 2011 she had suggested to the Church that it liquidate itself. The lawyer countered that the State Committee has no right to interfere in a religious community's internal life and order it to liquidate itself – this was a decision for the organisation's members. "Such pressure from the State Committee is a perfect illustration that it had put illegal pressure on the Church in its attempt to gain its liquidation," church members told Forum 18.

The Church's lawyer reminded the Court that the reasons allowed for liquidation of a religious organisation under Article 12-1 of the 2009 Religion Law are clear, and include violations of national security, public order, harming the health or morals of others, and violating the rights and freedoms of others. "The lawyer told the Court that in all the years of its activity, the Church never violated these laws," church members told Forum 18. "Confirmation of this is that neither the State Committee nor other state organs have accused the Church of any violations."

Lawyer Zeynalov added that the law gives no basis for one state body – in this case the State Committee – to liquidate the registration given by another – in this case the Justice Ministry, which granted registration in April 1993.

The Church's lawyer also accused the State Committee of violating Article 48 of Azerbaijan's Constitution and the 2009 Religion Law, both of which affirm the right to freedom of religion or belief. He asked the Court to oblige the State Committee to act in accordance with these obligations and not to obstruct religious believers in their constitutional right to religious freedom.

Allahverdieva of the State Committee then told Judge Asadova that she has "secret documents" on the Church's violations. Asked what these documents are, Allahverdieva responded that they are secret and cannot be revealed. "The plaintiff's actions are at the very least incomprehensible and contradict the current law on the openness of the judicial process," church members complain. "They also remind us of the actions of the Soviet-era secret police when, on the basis of 'secret information', religious believers were simply executed."

State Committee's re-registration record

Even had the Greater Grace Church lodged its re-registration application with the State Committee by the deadline of the end of 2009 in accordance with the terms of the 2009 Religion Law, it seems doubtful it would have received it.

Only two Protestant Churches – New Life and the Lutheran congregation, both in Baku – have had their 2009 applications accepted. Dozens of other Protestant congregations – including Baptist, Seventh-day Adventist and Pentecostal congregations - as well as hundreds of mosques, and several Jehovah's Witness communities, have seen no progress in their applications, more than two years after the deadline expired.

The State Committee is not known to have registered or re-registered any religious communities in the more than four months since 21 November 2011, when 27 communities were added to the list published on the State Committee website (see F18News 22 December 2011 http://www.forum18.org/Archive.php?article_id=1651).

Police raid

On 16 March, Sheki [Säki] District Police raided the home of Yashar Aliyev in Turan, a village 50 kms (30 miles) from Sheki in northern Azerbaijan, the Interior Ministry noted on its website the same day. It said that as a result of "operational-search measures" on a "non-traditional religious group" (which it did not identify), a large number of books and magazines, as well as three discs were seized.

About ten police officers took part in the raid, fellow Muslims who read Nursi's works – who asked not to be identified for fear of state reprisals - told Forum 18 on 18 March. The confiscated books were mainly copies of Nursi's collection of sermons Risale-i Nur (Messages of Light). Police read out the court order authorising the search, but would not give a copy to Aliyev.

No prosecution has yet followed, but the books were sent to the State Committee for an "expert analysis".

Officers of Sheki District Police told Forum 18 on 30 March that they knew nothing about the raid and literature confiscation. They referred all enquiries to the Police in Turan.

Abulfaz Amirov, the head of Turan Police, told Forum 18 the same day he had been on holiday for almost all of March and knew nothing about the raid. He acknowledged that such confiscations of religious literature take place in his area, "though only when they are illegal books".

Amirov declined to explain what constitute "illegal" books. He also declined to say how often such seizures occur. "Why are you and why should I answer such questions?" he told Forum 18 before putting the phone down.

When will Muslims get their books back?

The Sheki raid came exactly two weeks after a similar raid on a Muslim-owned home in Shamakhi [Shemakha]. Hundreds of books, mainly copies of Risale-i Nur, and discs were seized and sent to the State Committee (see F18News 15 March 2012 http://www.forum18.org/Archive.php?article_id=1678). No prosecution has followed in Shamakhi.

Nursi readers told Forum 18 that the number of copies of Nursi's works which have been seized and sent to the State Committee has reached 10,000. They expressed concern that these books might never be returned.

The State Committee operates the system of prior compulsory censorship of all religious literature printed or distributed in Azerbaijan, as well as imported into the country. Not only does it need to authorise individual publications, it also specifies the number that can be printed or imported. The State Committee also operates the licensing of shops allowed to sell religious literature. New criminal penalties for producing, selling or otherwise distributing unapproved literature were introduced in December 2011 (see F18News 15 December 2011 http://www.forum18.org/Archive.php?article_id=1648).

Forum 18 was unable to find out from the State Committee whether it regards Nursi's works as "banned" and, if not, when copies confiscated in March in Sheki and Shamakhi, as well as copies seized earlier, will be returned.

State Committee spokesperson Aslanov has still not responded to Forum 18's written request, sent on 15 December 2011, for a list of religious publications the State Committee has refused to approve for publication, distribution or import. (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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