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AZERBAIJAN: Appeal court upholds couple's massive fines

By Felix Corley, Forum 18

Shirvan Appeal Court rejected the appeals by a Baptist husband and wife against fines of more than three months' average wages each for having religious literature and holding a New Year children's meeting without state permission. Three Protestants were fined for a study meeting in a Sheki home. A Muslim in Sheki failed to overturn a fine for teaching Islam.

On 4 June, Shirvan Appeal Court rejected the appeals of both a husband and wife against massive fines for having religious literature and holding a New Year meeting for children without state permission. A local court had fined Baptist couple Safqan and Gulnar Mammadov each more than three months' average wages for those in formal work.

"Safqan and Gulnar can't lodge further appeals," the head of the Baptist Union Pastor Ilya Zenchenko told Forum 18 from the capital Baku. "We are considering writing to President Ilham Aliyev about the case" (see below).

Three Protestants fined about three months' average wages each for meeting to study their faith in the northern town of Sheki have chosen not to appeal against their punishments. A relative informed police of the December 2018 meeting, and officers then raided it (see below).

In November 2018, Sheki Appeal Court rejected the appeal by Taleh Mammadov against a large fine for teaching Islam to children despite apparently having State Committee permission to do so. "What he did was illegal," the police officer who signed the record of an offence against him told Forum 18. "He had no permission to teach Islam" (see below).

Strict state controls

The government imposes strict controls on who is allowed to exercise the right to freedom of religion or belief, where and in what circumstances. Any meeting by a group of people without state permission to exist is illegal, as are meetings held in unapproved venues. Religious teaching is similarly restricted. Those who violate these state controls face punishment. (http://www.forum18.org/archive.php?article_id=2429)

Raids on people meeting for worship and on individuals in their homes and fines have been frequent in recent years. However, the authorities appear to have launched fewer such raids in 2019 so far, Forum 18 notes.

Pastor Zenchenko told Forum 18 that the raid and fines on the Mammadovs are the only known such incidents on members of the Baptist Union so far in 2019.

Jehovah's Witnesses – who have in the past faced repeated raids and fines - told Forum 18 that their communities have not faced raids or fines so far in 2019.

Baptists, Jehovah's Witnesses and Muslims have sought to overturn earlier fines and gain redress for earlier raids through the local courts, so far with no success. (http://www.forum18.org/archive.php?article_id=2486)

Similarly, many have also sought redress through appeals to the European Court of Human Rights in Strasbourg or complaints to the United Nations Human Rights Committee. (http://www.forum18.org/archive.php?article_id=2490)

Sabirabad: House searches, literature confiscation

Baptist couple Safqan and Gulnar Mammadov live with their two young children in the village of Qaraguna in Sabirabad District, south-west of the capital Baku. Trouble began after their six-year-old son took Christian booklets to school and offered them to classmates without seeking his parents' approval or school approval. The head teacher saw this and came to the family home to ask what the booklets were about and called the police, fellow Christians told Forum 18.

The son's offer of Christian booklets in school was not subject to any prosecution of the parents or anyone else and did not appear in

the subsequent case documents.

A police officer summoned Gulnar Mammadova on 25 February, the day after her husband Safqan had left for several months' work in Georgia. She had to take her two young children with her. At the police station, officers asked her what religious "sect" she was from and where she had got the booklets.

After interrogating Gulnar Mammadova for about six hours, police brought her back home and searched it. Officers seized 106 books and booklets, including Bibles and New Testaments, as well as discs with Christian songs.

Police then asked about gift packages given out to 12 children and their parents at a gathering at the Mammadovs' home on 31 December 2018 to mark New Year, which contained sweets and a cartoon book about the birth of Jesus. The gift packages had been given out by Baptist Pastor Hafiz Bakhshaliyev, from the nearby city of Shirvan.

Qaraguna Police then summoned Pastor Bakhshaliyev. Officers questioned him for more than six hours and forcing him to write a statement. He wrote that all the books had undergone the compulsory state censorship and had the required permission from the State Committee.

Qaraguna Police then took Pastor Bakhshaliyev to a bus stop on the edge of Shirvan, where 12 police officers from Shirvan were waiting for him. Four of them accompanied him to his home, where they searched it and seized all the Christian literature they could find, including Bibles and New Testaments.

On 10 April, Police Major Shohrat Salmanov of Qaraguna Police drew up records of an offence against both Safqan and Gulnar Mammadov, relating to books they possessed and the December 2018 meeting in their home. The cases were then sent to court. Major Salmanov accused them of violating Administrative Code Article 451 and Article 515.0.3.

Article 451 punishes "Storing with the intention of sale or distribution, taking outside the place of production, or selling or distributing in any other way goods, products and informational material that should bear a control mark but do not have such a mark". Such items include alcohol, tobacco and religious literature.

Article 451 specifies a fine of 50 Manats per item for individuals (to a maximum of 5,000 Manats), 100 Manats per item for officials (to a maximum of 10,000 Manats), and 150 Manats per item for legal entities (to a maximum of 50,000 Manats). In addition, items without the stickers authorising sale are to be confiscated.

Article 515.0.3 punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

Major Salmanov of Qaraguna Police insisted that he had simply drawn up the records of an offence after the police investigator had studied the cases. Asked on 7 June why the Mammadovs had been fined simply for having religious literature and meeting with others, the officer told Forum 18: "They know what they did." But he added: "I didn't know they had been fined."

Sabirabad: Two large fines, appeals fail

On 16 April, Judge Nuraddin Bagirov of Sabirabad District Court heard the cases against both Safqan and Gulnar Mammadov. He found them both guilty of violating Administrative Code Article 451 and Article 515.0.3.

Judge Bagirov fined both husband and wife 1,500 Manats each, according to the decisions seen by Forum 18. The fine on each represents more than three months' average wages for those in formal work.

"The court decision is completely contrary to the laws of Azerbaijan," one local Christian familiar with the case complained about Judge Bagirov's decision. "This once again proves that the case was falsified and ordered by State Committee representatives."

Both Safqan and Gulnar Mammadov appealed to Shirvan Appeal Court. However, on the afternoon of 4 June, Judge Rafiq Jafarov rejected Gulnar Mammadova's appeal. Later the same afternoon, Judge Ismayil Ahmadov similarly rejected Safqan Mammadov's appeal, according to court records.

"The court hearing lasted only 10 minutes and issued an unfair decision," a Christian close to the case noted after the decision.

"Safqan and Gulnar can't lodge further appeals," the head of the Baptist Union Pastor Ilya Zenchenko told Forum 18 from Baku on 14 June. "We are considering writing to President Ilham Aliyev about the case."

Pastor Zenchenko believes the police and the State Committee for Work with Religious Organisations (to whom he gave a copy of the initial court decisions) have failed to take the decisions they need to. "It's the State Committee's job to resolve problems between

believers and the government. But for more than a month it has done nothing," he complained.

Javanshir Bahramov, the State Committee official for the region including Sabirabad, repeatedly put the phone down on 17 June as soon as Forum 18 asked why the Mammadov couple had been fined for having religious books and inviting parents and children to their home at New Year.

Sheki: Three Protestants fined for religious study meeting

Three Protestants fined about three months' average wages each for meeting to study their faith in the northern town of Sheki have chosen not to appeal against their punishment, Christians familiar with the case told Forum 18.

Police arrived at the home of one of the three in mid-December 2018 after a relative informed them that the three Protestants were holding a religious study meeting. Records of an offence were drawn up against Samir Ismayilov, Ismat Azizov and Jalil Rahimli. All were accused of violating Administrative Code Article 515.0.3.

Article 515.0.3 punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

Sheki District Court found all three guilty in separate hearings, Ismayilov on 19 December 2018, Azizov and Rahimli on 3 January 2019, according to court records. The Judges fined each of the three Protestants 1,500 Manats, about three months' average wages for those in formal work. The three paid the fines, choosing not to appeal.

Officials in the office of Taleh Abdullayev, the Sheki representative of the State Committee, refused to put Forum 18 through to him on 12 June, would not discuss anything and put the phone down.

Sheki: Fined for teaching Islam to children

On 15 November 2018, Judge Imanverdi Shukurov of Sheki Appeal Court rejected the appeal by Taleh Mammadov against a large fine for teaching Islam to children, according to the decision seen by Forum 18.

On 15 October 2018, Judge Kamran Suleymanov of Sheki District Court had found Mammadov guilty of violating Administrative Code Article 515.0.3. The Judge had fined him 1,500 Manats.

Article 515.0.3 punishes "clergy and members of religious associations holding special meetings for children and young people, as well as the organising or holding by religious bodies of organised labour, literary, or other clubs and groups unassociated with holding religious ceremonies" with fines for individuals of between 1,500 and 2,000 Manats.

Mammadov was punished for teaching Islam to children, although he had earlier had approval for this from the local Qazi with the consent of the State Committee for Work with Religious Organisations. Major Qudrat Rasulov, Head of Sheki City Police, drew up a record of an offence against him on 30 September 2018.

Mammadov told the appeal court that he had stopped teaching Islam for three months but that the State Committee had given him permission to resume.

Major Rasulov insisted that Mammadov had been fined by the court, not by him. "What he did was illegal," he told Forum 18 from Sheki on 11 June 2019. "He had no permission to teach Islam." Asked why Mammadov needed such permission, Major Rasulov responded: "He must submit to our law." He then put the phone down.

Officials in the office of Taleh Abdullayev, the Sheki representative of the State Committee, refused to put Forum 18 through to him on 12 June, would not discuss anything and put the phone down. (END)

Full reports on freedom of thought, conscience and belief in Azerbaijan
(<http://www.forum18.org/archive.php?query=&religion=all&country=23>)

For more background, see Forum 18's Azerbaijan religious freedom survey (http://www.forum18.org/archive.php?article_id=2429)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

A printer-friendly map of Azerbaijan
(<http://www.nationalgeographic.org/education/classroom-resources/mapping/outline-map/?map=Azerbaijan>)

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY