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AZERBAIJAN: "If communities don't complain they will be suppressed even more"

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

Azerbaijan's system of state registration is used by the authorities to discriminate against religious communities, Forum 18 News Service has found. Disfavoured communities, such as Baptists, Pentecostals, Jehovah's Witnesses and the Baha'is, are denied legal status and face repeated obstructions. But those who the authorities favour, such as ethnic Udi Christians (who have not yet formed a church) and the Molokans are given extensive registration help by the State Committee for Work with Religious Organisations. The State Committee is not the only source of problems; local authorities who have taken a dislike to a religious community deploy numerous tactics to prevent registration applications from even reaching the State Committee. Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, told Forum 18 that "If communities don't complain they will be suppressed even more. We have a proverb: no-one gives milk to a child that doesn't cry."

With an opaque and arbitrary system that has seen favoured religious communities given help to register, while disfavoured communities face repeated obstruction as they seek legal status, one human rights activist says those arbitrarily denied their right to register should fight for their rights publicly. "They should challenge the denial through the courts, whatever the cost to themselves," Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, told Forum 18 News Service in the capital Baku on 17 October. "If communities don't complain they will be suppressed even more. We have a proverb: no-one gives milk to a child that doesn't cry."

The State Committee for Work with Religious Organisations, established in 2001 and headed by Rafik Aliev, is the government agency responsible for registering religious communities. Of the estimated 2,000 religious communities in Azerbaijan, Aliev declared on Space TV on 4 April that his committee had registered 303 Muslim communities and 27 non-Muslim communities. He failed to comment on why his committee has repeatedly refused applications by communities that want registration.

Zeynalov believes any religious community challenging a denial of registration through the courts will face official retribution, but he says they should defy this and even be prepared to take their case to the European Court of Human Rights (ECtHR) in Strasbourg.

Without state registration, religious communities do not have a legal personality and cannot exercise such rights as owning or renting property and holding bank accounts. Registration is not in law compulsory, but officials at all levels often act as though it is compulsory and unregistered religious communities face police raids on their meetings.

The registration application submitted by a congregation of the Assemblies of God Pentecostal church in the town of Sumgait [Sumqayit] will prove a test case. Lodged in spring 2005, it was returned by the State Committee at the end of June with numerous technical changes demanded. After the church made all these changes, the application was resubmitted in mid-September, but the State Committee has not yet responded (see F18News 1 November 2005 http://www.forum18.org/Archive.php?article_id=680).

One community that has faced relentless pressure from the authorities is Mehebet (Love) church, the Azeri-language Baptist congregation in Baku. "We have applied for registration seven or eight times in the last three years," assistant pastor Yahya Mamedov told Forum 18 at Baku's Baptist church on 19 October. "Each time we are refused under various pretexts." He said the congregation lodged its most recent application at the end of 2004 but has given up for now. "Of course we want registration," he insisted, "but we're waiting for the situation to change."

State Committee chairman Rafik Aliev had the church closed down by court order in April 2002 after alleging that the pastor, Sari Mirzoyev, had insulted Islam, charges the pastor denied. Mirzoyev was "banned" from preaching and subjected to a harsh media campaign (see F18News 12 February 2004 http://www.forum18.org/Archive.php?article_id=252).

Mamedov believes it is "not worth" trying to challenge the denial of registration in court. "When we were closed down three years ago there were three court hearings. They just did what they wanted and we lost." He says though that the church could take its case to Azerbaijan's constitutional court and, if it fails there, to the ECtHR in Strasbourg.

By contrast, other communities the government likes – such as a group of ethnic Udi Christians who have not yet formed a church

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and the Molokans, a centuries old Russian Christian group – have enjoyed extensive help from the State Committee to get registration.

However, it is not just the State Committee in Baku which can obstruct registration. Local authorities, who have taken a dislike to a religious community, deploy numerous tactics to prevent applications from even reaching the State Committee.

Several other Baptist communities face registration obstruction. "Two years ago we tried to register our church," Telman Aliyev, the Baptist pastor in the southern port of Neftechala, on the Caspian Sea south of Alat, whose congregation has existed since 1953, told Forum 18 on 19 October. "The public notary confirmed the identities of all the founders, but the State Committee didn't give registration. We now have to do it all over again."

But the local authorities now claim that the building – given to the community by the Soviet Council for Religious Affairs in 1966 – does not properly belong to it. "The other seven homes in the block have been privatised, but not ours," Pastor Aliyev complains. "The mayor won't even answer our letters about this." The authorities are insisting (wrongly) that unless ownership of the building is established a registration application cannot be submitted.

Ramiz Osmanov of the Baptist congregation in Aliabad in Azerbaijan's north-western district of Zakataly [Zaqatala] – which holds the record for the religious community in Azerbaijan which has been denied registration for the longest period – reports no progress in their stalled application. He told Forum 18 on 19 October that Najiba Mamedova, the public notary in Zakataly region, is continuing to refuse to sign the registration application. The application, which the church submitted to her back in 2003, cannot proceed without her signature.

Mamedova angrily refused to discuss why she was refusing to sign the application when Forum 18 visited her office in November 2004 (see F18News 8 December 2004 http://www.forum18.org/Archive.php?article_id=471) and has continued to be obstructive (see F18News 10 January 2005 http://www.forum18.org/Archive.php?article_id=487).

Ilya Zenchenko, head of Azerbaijan's Baptist Union (which itself cannot get registration), complained that the denial of registration to many individual congregations means that in law they have to function as branches of Baku's Russian-language Baptist congregation. "We Baptists believe each congregation is autonomous," he told Forum 18 at the Baku church on 19 November. "The bureaucratic recognition of them as branches of another congregation is not normal – it's not in accord with our structure."

Some religious communities do not even try to apply for registration, knowing it is hopeless or for fear of pressure on those who sign the registration application. Forum 18 knows of a number of such communities of a number of faiths across Azerbaijan.

The Baha'i community in the exclave of Nakhichevan [Naxçivan], wedged between Armenia, Iran and Turkey, was registered in 1997, but that lapsed with the change in the registration system in 2001. "We're not sure it will help to try to get registration again, though it is on our agenda," Ramazan Askarov of the Baha'i community told Forum 18 in Baku on 19 October. However, the community fears that giving the names of the founders in a registration application might invite further pressure on them.

Religious communities are free in law to function without registration, but a lack of registration opens them up to official suspicion and arbitrary police raids and threats. This is especially a problem in Nakhichevan and remote parts of the country away from Baku where local authorities tightly control all aspects of life (see F18News 8 May 2003 http://www.forum18.org/Archive.php?article_id=49, 10 December 2004 http://www.forum18.org/Archive.php?article_id=474, 13 December 2004 < http://www.forum18.org/Archive.php?article_id=475 and forthcoming F18News article).

Some religious communities choose to ignore official demands that religious communities should register. Nardaran is a traditionally devoutly Shia Muslim village of 8,000, on the Absheron peninsula north of Baku, where clashes took place in June 2002 between interior troops and police on one side and local people on the other. As of 1 August 2004 (the latest figures published by the State Committee), only one mosque was registered in the village, though several exist.

Visited by Forum 18 on 15 October, a vast mausoleum is being completed in Nardaran above the tomb of the eighth-century Imam Museyi Kazim's daughters, revered by local Shias as holy people. Below the shrine (pir) a mosque complex is being built in two sections, one for men and the other for women. "This is all being built by local people on our money," a worker at the shrine told Forum 18. "We are completely independent – we don't have permission from anyone and aren't going to seek it. But no-one has touched us." He said the shrine has no connection with the Caucasian Muslim Board, a government-sponsored body formed in the Soviet era, which the religion law requires all Muslim communities to belong to - in defiance of international human rights standards.

"Nardaran is a kind of independent area – people there are very devout and do what they want to do," Nariman Gasimoglu, an Islamic scholar and parliamentary candidate for the opposition Popular Front, told Forum 18 at the party headquarters in Baku on 17 October. "This is an exception – the government is afraid of them."

Although the new Nardaran shrine and mosque complex is highly visible, most of the country's mosques remain unregistered.

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Provided they do not annoy the local authorities, they can generally function without registration.

Another religious community determined to ignore official demands that all groups should register are the Council of Churches Baptists, who refuse on principle to register with the state authorities in post-Soviet countries. They argue that such registration leads to official interference and unacceptable restrictions on their activity. "If we register they'll come immediately and tell us what we can't do," Pastor Pavel Byakov, who leads the congregation in Sumgait, told Forum 18 on 20 October.

Such fears are perhaps justified. Rafik Aliev has repeatedly threatened the Jehovah's Witness community in Baku of being stripped of its registration (see eg. 21 June 2005 http://www.forum18.org/Archive.php?article_id=590). So far this has not happened, as a community member told Forum 18. But the repeated public threats only encourage popular suspicion of the community and leave it fearful of its future. (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=92

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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