

7 May 2010

AZERBAIJAN: Will appeals to re-open mosques succeed?

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

Two mosque communities from among those closed or demolished in Azerbaijan have recently appealed for their mosques to be allowed to re-open, Forum 18 News Service has learnt. The Fatima Zahra mosque community in the capital Baku have had their Supreme Court appeal against the confiscation and demolition of their half-finished mosque rejected. But they have told Forum 18 that they will continue to try to save their mosque, even if they have to take the case to the European Court of Human Rights in Strasbourg. The mosque community's lawyer, Aslan Ismailov, told Forum 18 that the latest rejection "is not based on the facts". Elsewhere, members of a Sunni Muslim mosque forcibly closed in September 2009 in Gyanja, have written to President Ilham Aliyev and lower officials for help in getting their mosque reopened. "We asked them why the mosque is still closed and who we can apply to so that we can get it reopened," Forum 18 was told by a community member. Forum 18 is not aware of any successful appeal against the authorities' repeated forcible closures of Muslim and Christian places of worship.

The Fatima Zahra mosque community in Azerbaijan's capital Baku have had their Supreme Court appeal against the confiscation and demolition of their half-finished mosque rejected. But they have told Forum 18 News Service that they will continue to try to save their mosque in the residential district of Yeni Guneshli, even after the 30 April Supreme Court rejection. Elsewhere, members of a Sunni Muslim mosque forcibly closed in September 2009 in Gyanja [Gäncä], Azerbaijan's second city, have written to President Ilham Aliyev for help in getting it reopened.

Also, Jehovah's Witnesses and readers of the works of the late Turkish Muslim theologian Said Nursi are still trying to recover religious literature confiscated from them. Also, Baptists in northern Azerbaijan have been threatened with "unpleasantness with the law" if they continue to meet for worship (see F18News 10 May 2010 http://www.forum18.org/Archive.php?article_id=1443).

The continuing violations of religious freedom occur as President Aliyev claimed to the opening session of the 'World Summit of Religious Leaders' in Baku on 26 April that: "In Azerbaijan, where all freedoms exist, religious freedoms too are fully guaranteed," according to the text of his speech on the presidential website.

Azerbaijan in 2009, against international human rights agreements it has signed, significantly increased "legal" restrictions on freedom of religion or belief for people of all faiths and none, and also passed laws specifically targeting Muslims exercising their freedom of religion or belief (see F18News 22 July 2009 http://www.forum18.org/Archive.php?article_id=1330). The legal changes continue to be used to violate people's right to religious freedom (see eg. F18News 7 April 2010 http://www.forum18.org/Archive.php?article_id=1429). Raids on people meeting for worship, as well as strict censorship, also continue (see eg. F18News 12 March 2010 http://www.forum18.org/Archive.php?article_id=1420).

No one was available to answer questions at the State Committee for Work with Religious Organisations when Forum 18 contacted them between 4 and 6 May.

Mosque appeal fails

Although land and permission to build was given by Baku City Council in the 1990s, members of the Fatima Zahra mosque in Yeni Guneshli were shocked to receive an order in summer 2009 from the Surakhani District authorities to oust them from the site and recover the building. Police prevented the mosque community from continuing to use the half-finished building for worship. After the Surakhani District authorities won their suit in Economic Court No. 2, the mosque community challenged the verdict to the Supreme Court (see F18News 7 April 2010 http://www.forum18.org/Archive.php?article_id=1429).

After abruptly postponing the hearing on 14, 21 and 28 April, the Court's civil division finally heard the community's appeal on 30 April. However, the three-judge panel chaired by Judge Shahmurad Hidayev rejected the appeal after a 30-minute hearing, Asad Mirzaliyev of the Supreme Court confirmed to Forum 18 on 5 May.

Mirzaliyev refused to discuss the verdict with Forum 18, as it had not yet been produced in writing. He said this must be issued within one month.

"As soon as we get the written decision, we will lodge an appeal to the Plenum of the Supreme Court, and if that fails, to the Constitutional Court," one community member told Forum 18. "If that fails we will go all the way to the European Court of Human Rights in Strasbourg."

Condemning the Supreme Court ruling was the mosque community's lawyer, Aslan Ismailov. "The decision is not based on the facts," he complained to Forum 18 on 5 May.

Defending the authorities' decision to confiscate and demolish the mosque is Barhudar Barhudarov, spokesperson for Surakhani District Administration. "It was an illegal structure," he insisted to Forum 18 on 5 May. "They're deceiving you - the building is unfinished and they never prayed there – except when they began their court case."

Police have forcibly prevented people from praying in the mosque (see F18News 26 June 2009 http://www.forum18.org/Archive.php?article_id=1319).

Barhudarov of Surakhani District Administration said the District has 15 mosques, and he saw no need for more. Asked why the community cannot complete the building work and carry on praying there, he insisted that Baku City Administration has not given its permission. He then put the phone down.

Will appeal to Caucasian Muslim Board work?

Fatima Zahra community members told Forum 18 that they had attended the namaz (prayers) at Baku's main Taza Pir mosque on 4 May and had handed an appeal to Sheikh-ul-Islam Allahshukur Pashazade, the head of the Caucasian Muslim Board. "He told us he won't allow them to demolish the mosque and promised it would be completed," one community member told Forum 18. He said Pashazade told them he had written to President Aliyev.

Rahima Dadashova, spokesperson for the Muslim Board, maintained that the 4 May meeting between community members and Pashazade had not been necessary to persuade the Board to act. "The Sheikh-ul-Islam was already doing all he could to prevent this decision from being enforced," she told Forum 18 on 6 May. "We've said from the start that we – as the spiritual centre for Azerbaijan's Muslims – are against the demolition of any mosques. These are holy places."

All Muslim religious communities in the country are legally compelled to come under the control of the Caucasian Muslim Board (see F18News 22 July 2009 http://www.forum18.org/Archive.php?article_id=1330).

Gyanja mosque appeals to reopen

Members of the Sunni Mosque in the Shahsevenler district of Gyanja, forcibly closed by the authorities in 2009, wrote on 4 May to President Aliyev, to Sheikh-ul-Islam Pashazade of the Muslim Board and to Hidayat Orujev, the Chair of the State Committee. "We asked them why the mosque is still closed and who we can apply to so that we can get it reopened," community member Vidadi Abbasov told Forum 18 from Gyanja on 5 May. "Our mosque – the Albanian mosque – has been locked since September 2009 with an official seal on the door."

The mosque was closed in September 2009 four days before the end of the Muslim fasting month of Ramadan and the community has been seeking in vain to have it reopened (see F18News 7 April 2010 http://www.forum18.org/Archive.php?article_id=1429).

Abbasov expressed frustration that the community does not know who ordered the mosque's closure, as well as who has the power to permit its reopening. Many mosques have been forcibly closed in recent years (see eg. F18News 18 September 2009 http://www.forum18.org/Archive.php?article_id=1350)

Dadashova of the Muslim Board told Forum 18 that she was not informed about the specifics of the Gyanja Sunni Mosque closure, But she repeatedly insisted that the Board wants to see all closed mosques reopened, and functioning on what she described as a legal basis.

Churches remain closed, Muslims still banned from praying

Not only mosques, but also a Baptist church and Georgian Orthodox churches have also been forcibly closed by the authorities (see eg. F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246). A nationwide "temporary" ban on praying outside mosques, imposed in August 2008, also remains in force (see F18News 17 October 2008 http://www.forum18.org/Archive.php?article_id=1205). (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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