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AZERBAIJAN: No re-registration, no building – no worship

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

Cathedral of Praise Protestant church in Baku – which claims 1,500 members – has been unable to meet for worship since its tent was destroyed in an apparent arson attack in January, its pastor Rasim Halilov told Forum 18 News Service. Its re-registration application was rejected because some of its founders had changed since 2002, a decision it failed to overturn in court. The State Committee for Work with Religious Organisations said it cannot use another church for worship. Similarly failing to overturn its re-registration denial in court was Baku's Jehovah's Witness community, though it has been able to continue to meet. Eight months after the deadline, only 450 communities have gained compulsory re-registration, including 433 mosques and only 2 Protestant churches. Re-registration for the Catholics – who were forced to apply only for their Baku parish, not for a community covering the whole of Azerbaijan – awaits the outcome of discussions between the nuncio and the Foreign Ministry.

Without a worship building of its own and after rejection of its application for compulsory re-registration with the state as a religious community, Cathedral of Praise Protestant Church in the capital Baku has been unable to hold worship services since January, its pastor Rasim Halilov told Forum 18 News Service. The church has failed in its legal challenge to the re-registration denial and the State Committee for Work with Religious Organisations – which enacts the Azerbaijani government's harsh controls on all religious activity – has refused to allow it to rent premises for worship, including from other Christian churches.

The State Committee admitted on 16 August to having rejected on various pretexts the re-registration applications of 20 religious communities. Among them are mosques, Baptist, Seventh-day Adventist and Jehovah's Witness communities and the Baku International Fellowship (an English-language Protestant community largely made up of expatriates).

However, Forum 18 knows of only two – Cathedral of Praise and Baku's Jehovah's Witness community – which have tried to seek redress through the courts. Both failed at the court of Baku's Sabail District (where the State Committee is located), though both are appealing.

A far greater number of communities have seen their applications for re-registration or registration languish with no or little response. Such communities include many mosques, almost all the country's Protestant communities (only two have gained re-registration) and Baku's Catholic parish.

Re-registration "cumbersome"

After his March 2010 fact-finding visit to Azerbaijan, Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, condemned the re-registration requirement and the difficulties for many religious communities over re-registration. "In the Commissioner's view, the obligation for all religious communities to re-register – if they wish to continue to legally exist – appears to be quite superfluous and should in any event be less cumbersome," he wrote in his 29 June report (see).

In its response to Hammarberg's report, received by his office on 23 June and published as an appendix to the report, the Azerbaijani government defended the compulsory re-registration, pointing out that this was required because of the 2009 amendments to the Religion Law. "Moreover, registration (re-registration) of all religious communities wishing to operate was necessary to ensure transparency of the functioning of religious communities and to eliminate potential disorder in this field," the government claimed. It complained that some religious communities had been operating without state registration, though without explaining what was wrong with that.

Pointing to the re-registration of about half the communities which had applied, the government disputed Hammarberg's assessment. "The procedures for registration of religious communities have therefore not been cumbersome or superfluous as indicated in the Report." And it claimed that denial of registration was caused by "shortcomings" in religious communities' applications. "The State Committee's refusal to register the religious communities has in all circumstances been in accordance with the provisions of the law."

State Committee unapologetic

Despite often harsh criticism of them from religious communities (mostly made in private to avoid worsening their situation still further), officials of the State Committee are unapologetic about the way they operate.

Sabina Allahverdieva of the Committee's Legal and Registration Department rejected any suggestion that her Committee was at fault over the long delays and the denials of registration. However, she absolutely refused to discuss with Forum 18 on 1 September why such a low number of the country's religious communities which have applied for registration have been successful and why many have already received rejections.

"You're not a lawyer nor a religious community," she told Forum 18. She added that she "does not have the right" to give information by telephone and terminated the call.

State Committee officials have earlier denied to Forum 18 that their work on re-registering religious communities has been "unprofessional" (see F18News 7 April 2010 http://www.forum18.org/Archive.php?article_id=1429).

Worship ban for Cathedral of Praise

Among the hardest hit communities in the wake of the compulsory re-registration is Cathedral of Praise, which has long faced obstructions from the government.

The church was founded in 1994 but only managed to gain registration in 1999. Its Swedish pastor, Mats-Jan Söderberg, had his visa application denied in 2005 and was given two weeks to leave Azerbaijan. He was subsequently banned from returning. In August 2008 the church lost the worship building it had bought and reconstructed after a complicated legal dispute. It remains unclear if the dispute was initiated to target the church for religious reasons (see F18News 19 September 2008 http://www.forum18.org/Archive.php?article_id=1189).

After the loss of its worship building, the church met in a large tent it erected on church-owned land. However, this was destroyed in a fire late on 9 January 2010. Pastor Halilov told Forum 18 that police confirmed by chemical analysis that arson was the cause but have not identified any suspects. "Since the January 2010 fire our 1,500-strong church has not been able to meet for worship," Pastor Halilov complained.

In correspondence seen by Forum 18, the church wrote to Hidayat Orujev, chair of the State Committee, on 29 March informing him that it had agreed with Nehemiah Protestant Church in Baku to rent their building for worship and attaching the contract. However, Yusif Askarov, Head of the State Committee's Legal and Registration Department, wrote back declaring that under Article 12 of the Religion Law, religious communities are allowed to meet only at their registered legal address.

Challenges to re-registration denials fail

Cathedral of Praise lodged its re-registration application in late 2009. However, in a decision of which Forum 18 has seen the text, the State Committee rejected the application on 19 February 2010, though the church did not receive the rejection until 7 May. The State Committee argued that the church was not the same as the one given state registration in February 2002 as five of the "founders" had changed, with no information being given as to when and why they had been removed and when and how the new founders had been chosen. It said such changes had to be notified to the State Committee within 20 days.

Pastor Halilov insisted to Forum 18 that only three of the founders had changed, not five as the State Committee claimed, and that this was allowed under the regulations. He added that no published law mentions any requirement to explain to the State Committee why any founders have changed.

On behalf of the church, Pastor Halilov lodged a challenge to the State Committee's rejection to Sabail District Court. However on 30 July, in a verdict of which Forum 18 has seen the text, Judge Araz Huseynov rejected their challenge.

Pastor Halilov told Forum 18 that the church is lodging an appeal against the decision to Baku Appeal Court. He expects it to be about six weeks before this is heard. "We will take the case right to [the European Court of Human Rights in] Strasbourg if necessary," he pledged. He added that at the same time, the church had written to the State Committee asking it to reconsider the rejection, hoping that the impasse can be resolved without further court hearings.

Baku's Jehovah's Witness community lodged its re-registration application with the State Committee on 3 November 2009. However, this was rejected on 29 January 2010 (though the community only received it on 25 February as it was sent to the wrong address).

As with Cathedral of Praise, the State Committee questioned the changes to the founders and said no connection between the old and the new communities had been established. The Jehovah's Witness community provided the State Committee with information as to when and why the founders had changed, but Askarov of the State Committee again rejected the application on 5 March.

Subsequent meetings between Jehovah's Witness and State Committee representatives failed to resolve the problem, Jehovah's Witnesses told Forum 18, and two letters they sent to the State Committee in April went unanswered.

On 13 May, the community lodged a challenge to the State Committee rejection and demanded 10,000 Manats (76,924 Norwegian Kroner, 9,715 Euros or 12,452 US Dollars) in compensation. Hearings under Judge Nuraddin Bagirov at Sabail District Court took place on 6 and 13 July, though no decision was issued then. However, on 16 July Judge Bagirov summoned the Jehovah's Witnesses to the court to tell them he was rejecting their challenge.

Jehovah's Witnesses told Forum 18 that they were "disappointed" by his decision, as he had earlier appeared to be sympathetic. The verdict issued later, seen by Forum 18, details the reasons for the decision. On 13 August, the community lodged an appeal with Baku Appeal Court.

Who has got re-registration?

The compulsory re-registration (the third since Azerbaijan gained independence in 1991) was mandated by the harsh revisions to the Religion Law which came into force in May 2009. The re-registration deadline was 1 January 2010. Article 12 of the revised Law implies that unregistered religious activity is illegal – in violation of Azerbaijan's international human rights commitments. Furthermore, Muslim communities can only get registration if they are part of the state-backed Caucasian Muslim Board (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305).

The authorities' insistence that registration is necessary and the requirement that Muslim communities have "prior authorisation" from the Caucasian Muslim Board before they seek registration aroused the concern of the United Nations Human Rights Committee. In its concluding observations on Azerbaijan's compliance with the International Covenant on Civil and Political Rights, issued on 13 August 2009 (UN reference CCPR/C/AZE/CO/3), the Committee expressed concern that "the lack of legal personality may prevent such communities from the enjoyment of a large number of rights".

However, the Department for Work with Religious Organisations in Nakhichevan - an exclave wedged between Armenia, Iran and Turkey which is an autonomous republic of Azerbaijan – insisted to Forum 18 in December 2009 that no re-registration requirement exists there (see F18News 21 December 2009 http://www.forum18.org/Archive.php?article_id=1389).

On 1 September, exactly eight months after the re-registration deadline had passed, only 450 religious communities were listed on the State Committee website as having registration (534 were registered under the old Law).

Of the 450 registered communities, 433 were Muslim, 6 Jewish (Ashkenazi, Mountain Jewish and Georgian Jewish), 3 Molokan (an early Russian Christian community), 2 Georgian Orthodox, and one each of Russian Orthodox (the Baku and Caspian diocese, with 8 parishes in Azerbaijan), the Lutherans, New Life Protestant church, the Albanian-Udi community (a previously defunct Christian community recreated with government support in recent years), the Baha'is, and the Hare Krishna community.

The State Committee admitted on 16 August that some 400 applications are still being processed.

Can communities without registration still meet?

Communities denied re-registration or whose applications have languished unanswered are generally still able to meet for worship if they have their own place of worship, members of a variety of religious communities have told Forum 18.

Fr Vladimir Fekete, a Slovak priest who heads the Catholic Church in Azerbaijan, says that when he met State Committee chair Orujev in the summer, Orujev told him that although the Catholic Church has not yet been re-registered its parish in Baku can continue functioning. Orujev said that the issue of re-registration is being resolved between Azerbaijan's Foreign Ministry and the Holy See's nuncio to Azerbaijan, Archbishop Claudio Gugerotti.

Fr Fekete noted that while the old registration was for the Catholic Church in the whole of Azerbaijan, when it came to re-registration it had to lodge its application only for the Catholic parish in Baku.

Despite having its re-registration application rejected and failing to overturn this rejection in court, Baku's Jehovah's Witness community is still able to meet in its Kingdom Hall in the capital, Jehovah's Witnesses told Forum 18. They point out that legal status persists until the State Committee goes to court to have it liquidated. "It has not done this," they told Forum 18.

However, a number of religious communities have faced threats from police officers or other officials that their activity is illegal and they will be shut down. Mubariz Gachaev, imam of the Sunni mosque in Mushfiqabad in Garadag District near Baku, told Forum 18 that the Caucasian Muslim Board still will not process its registration application and without this the State Committee will not register it (see F18News 27 May 2010 http://www.forum18.org/Archive.php?article_id=1451).

"Police sometimes intervene, telling us that we have no registration certificate so we'll be closed down," Gachaev told Forum 18 on

31 August. He pointed to a village meeting the day before at which District Police Chief Intigam Mirsalaev had repeated the threat. However, the imam said prayers continue at the mosque.

Police visited Baku's Baptist church in March and told its leaders that without registration it should be closed down (see F18News 12 March 2010 http://www.forum18.org/Archive.php?article_id=1420).

Among the religious communities which have never been able to gain registration since Azerbaijan gained its independence in 1991 is the Baptist congregation in the northern town of Aliabad. It too has faced repeated raids by local police and the earlier imprisonment of two of its pastors. Church members again faced threats of punishment in April (see F18News 11 May 2010 http://www.forum18.org/Archive.php?article_id=1443).

Repeated difficulties over places of worship

The Azerbaijani authorities have repeatedly intervened to prevent religious communities they do not like from freely opening or maintaining places of worship. Adding to the restrictions, a new Council on Building, Reconstruction and Repair of Places of Worship began its work on 23 July as part of the State Committee. It now needs to give approval for all decisions on places of worship throughout the country.

A series of mosques – mostly Sunni – have been ordered closed in recent years, including the Abu Bekr mosque in Baku, closed after a grenade attack in August 2008 (see F18News 27 May 2010 http://www.forum18.org/Archive.php?article_id=1451).

Javanshir Suleymanov, lawyer for the Abu Bekr mosque, laments its continued enforced closure. "Only the imam, Gamet Suleymanov, can pray there with at maximum two other people," he told Forum 18 on 31 August. He says police patrols watch to ensure that the building is not used for community worship. "People who live opposite watch out on behalf of the police and call them if people try to gather there."

The lawyer added that the community has complained about the continuing enforced closure to the United Nations human rights mechanisms in Geneva.

Across Baku, the authorities have banned the community from meeting in the half-finished Fatima Zahra mosque. After large-scale protests in Azerbaijan and abroad against the proposed demolition of it, President Ilham Aliyev handed the community to the Muslim Board and promised that it would be completed and opened for worship (see F18News 27 May 2010 http://www.forum18.org/Archive.php?article_id=1451).

"We would have liked to pray there during Ramadan," community leader Tofik Rasizade told Forum 18 on 31 August, referring to the Muslim holy month which runs in 2010 from mid-August to mid-September. "But we are not allowed to use it for prayers – people have to go here or there to other mosques."

Rasizade says he remains grateful to the president for overturning the demolition order. "The main thing was that it wasn't destroyed," he insisted to Forum 18. "But in the past it belonged to the people – they built it with their efforts and money. Now it's the property of the Muslim Board." He said he did not know when building work would resume and when it will reopen for worship.

Buildings confiscated during the Soviet period have not been given back. In central Baku, these include a Baptist church built a century ago, a Baha'i site important to the early history of their faith and the synagogue which is now a music theatre (see F18News 23 November 2005 http://www.forum18.org/Archive.php?article_id=694).

Semyon Ikhiilov, leader of the Mountain Jewish community, regrets the authorities' refusal to return the synagogue. "I know that the historical building will not be returned to us, however much I ask. I am already tired," he told Leyla Tagiyeva of the News.az website on 1 September. He lamented that "mine was a lone voice which was not heard by many people, especially by senior officials who could have responded." (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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