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AZERBAIJAN: "You don't need a licence to talk about chess or football, but you do about religion"

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

More than 15 police officers, as well as journalists with a video camera and a state religious affairs official raided the Saturday morning worship service of the Seventh-day Adventist congregation. Police questioned the ten church members present how much they were paid to be Christians, and two were given heavy fines, Protestants complained to Forum 18 News Service. Police insisted to Forum 18 the meeting had been illegal as the congregation is waiting for registration: "You don't need a licence to talk about chess or football, but you do about religion." Protestants complained about an Interior Ministry press release on the raid which said Adventists represent "a faith prohibited by law". "Adventists have lived in Azerbaijan for more than 100 years and have never been banned," Protestants told Forum 18. Fines for religious activity seem set to rise sharply if proposed amendments are approved in Parliament on 21 December. And a Muslim's legal attempt to recover books confiscated by the State Committee for Work with Religious Organisations has been dismissed - despite the confiscations being against the Constitution and law.

After initially denying that police from his department had raided a Saturday morning Seventh-day Adventist worship service on 11 December, an officer of the 4th Department of Sumgait police told Forum 18 News Service that the service was raided because church members did not have state permission to meet. "They weren't praying – they were holding lectures," the officer – who would not give his name – told Forum 18 from Sumgait on 16 December. "That's propaganda of a religion." Asked whether police officers would have raided and the court would have handed down heavy fines if the meeting had been about football or chess, the officer responded: "You don't need a licence to talk about chess or football, but you do about religion."

The officer refused to explain why officers raiding the Adventist service were unwilling or unable to show any documents, including a search warrant, and why literature and discs – both Christian and non-religious – were seized. But the officer defended the fines on two church members, Rustam Ahmedov and Oleg Litovchenko. "It wasn't we who fined them – it was Sumgait City Court," he insisted. "All was done in accordance with the law."

Protestants who asked not to be identified told Forum 18 that at their trial at Sumgait City Court on 14 December, Ahmedov was found guilty of violating Article 300.0.4 of the Code of Administrative Offences ("conducting religious propaganda by foreign citizens"). He was fined the maximum penalty for individuals - 400 Manats (2,992 Norwegian Kroner, 380 Euros or 501 US Dollars). Litovchenko was found guilty of violating Article 299.0.2 ("violation of the procedure for holding religious meetings"). He was fined the maximum penalty for individuals - 300 Manats (2,245 Norwegian Kroner, 285 Euros or 376 US Dollars).

Religious worship – especially by communities the government does not like – is often raided in Azerbaijan. On 31 October a Baptist Harvest Festival was raided in the northern town of Kusar [Qusar] and four church members were imprisoned for five days (see F18News 1 November 2010 http://www.forum18.org/Archive.php?article_id=1505).

Harsher fines for religious activity?

The fines on the two Adventists came just over a week before Azerbaijan's Parliament, the Milli Mejlis, is due to consider proposed amendments to the Code of Administrative Offences, which are set to increase punishments for religious activity under Article 299 and possibly Article 300. Minimum fines for unregistered religious activity could rise 15-fold. Religious communities and human rights defenders have expressed concern about the proposed increased penalties for activity which should not be an offence at all (see F18News 10 December 2010 http://www.forum18.org/Archive.php?article_id=1520).

Forum 18 has been unable to obtain the text of the proposed amendments. Ayhan Kazimirov, an official of the Milli Mejlis Human Rights Committee – which had been one of two committees involved in initially approving them – told Forum 18 on 16 December that Committee chair Rabiyyat Aslanova had ruled that the text can only be made public once it has been adopted.

An official of the Milli Mejlis told Forum 18 from the capital Baku on 16 December that the proposed amendments are on the agenda for the next full session of Parliament on 21 December. "Deputies can agree to discuss this or not – if they have the time," he said.

The official explained that all laws need three readings, but said that as these amendments are contained in a short proposed law, they could be adopted all in one day. "If no serious questions arise, it could be adopted that day. It all depends on the deputies."

Can communities awaiting state registration meet?

The Adventist congregation in Sumgait – an industrial town north of Baku - meets for worship in a small house the community bought in 2003 and began to use regularly in 2006. The congregation has faced no harassment before.

Trouble began when the local police officer visited them in late November and told them they could not continue to meet for worship without permission from the State Committee for Work with Religious Organisations in Baku. Protestants told Forum 18 that in early December, an Adventist leader came from Baku and met the deputy head of the police's 4th department, explaining to him that the congregation has lodged a registration application with the State Committee and is still waiting for registration.

International human rights law forbids bans on religious communities from meeting because they do not have state registration. However, such a ban is implied in the restrictive 2009 amendments to the Religion Law, which also mandated re-registration for all religious communities. The Code of Administrative Offences punishes unregistered religious activity.

Although the re-registration deadline for all religious communities to retain state registration was 1 January 2010, the State Committee has ignored or rejected many applications from religious communities. Despite this, State Committee officials have insisted to Forum 18 that their work is not "unprofessional" (see F18News 7 April 2010 http://www.forum18.org/Archive.php?article_id=1429).

Police told the visiting Adventist leader from Baku that if they get a document from the State Committee stating that the congregation's application is being processed, they could continue to meet. After gaining this document, the Adventists then contacted the local police officer, who confirmed they could continue to meet.

Raid

However, the following day, 11 December, some ten church members had gathered for worship when about 20 or possibly more police officers, city administration officials, at least one state religious affairs official and unknown men in civilian clothes raided their Saturday service, Protestants told Forum 18. Accompanying them were journalists with a video camera.

Church members asked to see a document authorising the police raid, but officers responded simply that they had the right to do so. Officers claimed they had received a complaint from a neighbour, but refused to show this to church members. Officers also refused to stop the journalists filming, insisting that they had the right to do so, and refused to explain who had given them the right to film church members against their wishes.

When church members showed the State Committee document confirming that their registration application is being considered, the local police officer denied ever having told them they could therefore meet for worship. The religious affairs official – who did not give his name – said they were not allowed to meet for worship unless and until they received state registration.

Without any search warrant, police then searched the church building, confiscating all books and papers they could find. They also searched the private home attached to the church building, confiscating a personal computer as well as further papers, books and discs, even though many of them were unrelated to religion.

Each church member was interrogated individually. Asked how much they were paid for being a Christian, church members told police they were not paid anything. An official record was drawn up for each.

The police left after about four hours, but Ahmedov and Litovchenko were summoned to the police station that afternoon. The computer was checked and returned, but both men were presented with a record of an administrative offence.

Summoned again to the police station on 13 December, Ahmedov and Litovchenko waited for more than an hour before being sent to the City Court. After being assigned a judge, they waited for a further two hours before the judge told them he did not have time to hear their cases and they should return the following day.

On 14 December, Ahmedov and Litovchenko were fined. Although Article 300 of the Administrative Code allows deportation as well as a fine for "religious propaganda by foreign citizens", the judge confined the sentence to a fine, as Ahmedov's wife and two children are all Azerbaijani citizens. Although born of an Azerbaijani father and brought up in Azerbaijan, Ahmedov acquired Moldovan citizenship when the Soviet Union broke up as he was then living there. He is a legal resident of Azerbaijan.

Protestants told Forum 18 that Ahmedov and Litovchenko decided not to appeal against the punishments.

Interior Ministry disinformation?

In its press release on the raid, published on 11 December on its website, the Interior Ministry claimed that the Adventists represent "a faith prohibited by law". Forum 18 notes that the Seventh-day Adventist faith has not been banned in Azerbaijan. The press release also prominently mentioned Ahmedov's Moldovan citizenship and claimed that the 587 books and 255 discs confiscated were all religious and propagate the Adventist faith. Protestants told Forum 18 that the discs included Tom and Jerry children's cartoons, as well as videos of Ahmedov's wedding and birthdays of his children.

Local Protestants complained to Forum 18 of what they regard as the possibly deliberate disinformation in the Interior Ministry press release. They expressed concern that the information – widely reported in the local press – makes their community out to be law breakers and a "dangerous foreign sect".

"Adventists have lived in Azerbaijan for more than 100 years and have never been banned," Protestants told Forum 18. Indeed, they point out that they are listed on the State Committee website, alongside Russian Orthodox, Catholics and Baptists, as being a "traditional confession" (although this concept is nowhere enshrined in Azerbaijani law).

The telephones at the Interior Ministry press service went unanswered each time Forum 18 called on 16 December to find out why it had published inaccurate information.

Can I have my books back?

Meanwhile, Shukran Mammadov has failed in his attempts to recover through the courts religious literature confiscated from him in 2007 and held since then by the State Committee. On 9 December, Judge Rauf Ahmedov of Baku's Sabail District Court rejected his suit against the State Committee.

"This decision was wrong," Mammadov's friends told Forum 18 on 10 December. "The judge has violated Article 48 of Azerbaijan's Constitution, which guarantees freedom of conscience, and Article 22 of the Religion Law, which guarantees the right to acquire religious literature."

Mammadov is a Muslim who reads the works of the late Turkish theologian Said Nursi. Copies of Nursi's main collection of writings on the Koran, "Risale-i Nur" ("Messages of Light"), were confiscated from his home in the central town of Ujar back in July 2007. Ujar District Court fined him later that year under Administrative Code Article 299.0.2 for leading an "illegal" religious meeting.

Meanwhile, officials had sent Mammadov's confiscated books to the State Committee for them to be "assessed". Mammadov has been seeking their return ever since. Eventually he lodged a suit against the State Committee on 24 September in Sabail Court, in the district of Baku where the State Committee is located.

Friends of Mammadov told Forum 18 that as soon as the court decision is handed down in writing, he will lodge an appeal.

The telephone of Judge Ahmedov went unanswered each time Forum 18 called on 16 December.

Forum 18 asked Jeyhun Mamedov, head of the Expert Analysis Department at the State Committee, on 16 December about Mammadov's books and his suit against the State Committee. As soon as Forum 18 asked the question the connection was cut. Subsequent calls went unanswered.

Police frequently confiscate religious literature (see e.g. F18News 12 March 2010 http://www.forum18.org/Archive.php?article_id=1420). The State Committee operates the government's compulsory prior censorship of all religious literature published in or imported into Azerbaijan (see F18News 24 February 2009 http://www.forum18.org/Archive.php?article_id=1259).

Readers of Nursi's works have their meetings frequently raided, often with subsequent fines or prison terms of up to 15 days under the Code of Administrative Offences. In May, four readers were held for three days in the cellars of the National Security Ministry (NSM) secret police in Nakhichevan [Naxçıvan] city without any trial taking place (see F18News 20 May 2010 http://www.forum18.org/Archive.php?article_id=1447).

Is it worth suing the State Committee?

A number of religious communities whose rights have been violated by the State Committee have tried to seek redress through Sabail District Court. However, Forum 18 does not know of any which have succeeded.

In 2008, Jehovah's Witnesses had their suit against the State Committee's censorship of religious literature rejected by the same Judge Ahmedov. He ruled that the suit had to be heard in the Constitutional Court, but it too rejected the suit (see F18News 24

February 2009 http://www.forum18.org/Archive.php?article_id=1259).

In 2010, Cathedral of Praise Protestant Church in Baku and Baku's Jehovah's Witness community lodged separate suits against the State Committee over its failure to process their registration applications, but Sabail Court rejected both suits (see F18News 1 September 2010 http://www.forum18.org/Archive.php?article_id=1482). (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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