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AZERBAIJAN: Pressure and punishments for worship without state permission increasing?

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

Azerbaijan appears to be increasing raids on and threats to religious communities for worshipping without state permission, Forum 18 News Service notes. An imam near the capital Baku, Mubariz Gachaev, received threats in late December 2010 that he would be imprisoned if his mosque continues to hold unregistered worship. A Protestant in northern Azerbaijan, Ilham Balabeyov, was in mid-January 2011 fined three weeks' average local wages for leading unregistered worship. Police also summoned him to a police station and detained him there for all of the day his church marks Christmas. Members of a forcibly closed Sunni mosque in Gyanja have told Forum 18 that the only religious activity they are now allowed to conduct is to meet in small groups, under police surveillance, to pray in private homes. As of today (24 January) only 510 religious communities are registered. It seems that many applications are either being denied or left without answer. No legal challenges to re-registration denials have yet succeeded. All unregistered religious activity is illegal, against international human rights law.

Azerbaijan appears to be stepping up raids on and threats to religious communities for holding worship services without state permission, Forum 18 News Service notes. An imam near the capital Baku received threats in late December 2010 that he would be imprisoned if his mosque continues to hold prayers, while a Protestant in northern Azerbaijan was in mid-January 2011 fined three weeks' average local wages for leading unregistered worship. Police watch outside private homes in Azerbaijan's second city Gyanja [Gänçä] where members of a Sunni mosque forcibly closed in September 2009 meet in small groups for prayers.

Also raided on 22 January 2011 during their Saturday worship service was Baku's Seventh-day Adventist church. The congregation's senior pastor Ivan Uzun, a Russian citizen long time legally resident in Azerbaijan, was arrested and deported today (24 January). Denied re-entry to Azerbaijan since 19 December 2010 is another Baku-based Adventist Gheorghiy Sobor, separating him from his wife and three young children (see F18News 26 January 2011 http://www.forum18.org/Archive.php?article_id=1533).

This month (January), increased fines came into effect for those who conduct unregistered religious worship, hold religious worship at a venue that does not have state approval, distribute religious literature that has not passed compulsory government religious censorship, and for foreigners who speak of their beliefs to others (see F18News 7 January 2011 http://www.forum18.org/Archive.php?article_id=1527).

New threats for unregistered worship

The imam of a mosque on the outskirts of Baku which has not been re-registered has been summoned once again by the local police chief, local Muslims told Forum 18 on 19 January. Intigam Mirsalaev, head of Garadag District Police, sent an officer to imam Mubariz Gachaev of the mosque in the village of Mushfiqabad on Friday 31 December 2010. The officer insisted that Gachaev go to Mirsalaev's office as soon as Friday prayers were over.

Once there, Mirsalaev spent about half an hour threatening Gachaev that if the mosque continued to function without re-registration, he would be imprisoned. "It's not a factory or office – it's a house of God," one local Muslim unhappy at the way the imam was treated insisted to Forum 18.

Police chief Mirsalaev refused to answer any of Forum 18's questions on 19 January.

Local Muslims told Forum 18 that the Caucasian Muslim Board will not process the mosque's registration application. Under Azeri law, without this the State Committee for Work with Religious Organisations will not register the Mosque. Muslims state that at least two other local mosques – in Gobustan and in Alat – are facing similar re-registration problems.

Imam Gachaev faced similar police threats that the mosque would be closed down in 2010, though they did not enforce the threat (see F18News 1 September 2010 http://www.forum18.org/Archive.php?article_id=1482).

Fined for unregistered worship

One community awaiting a re-registration decision from the State Committee is Star of the East Pentecostal Church, in the northern town of Shabran (formerly Divichi). Because of this a member of the church, Ilham Balabeyov, was found guilty in his absence on 11 January of violating Article 299.0.4 of the Code of Administrative Offences ('religious activity at an address other than a religious organisation's registered address'). Local Protestants told Forum 18 that Judge Ilgar Guliev of Shabran District Court held a first hearing on 28 December 2010, at which the local police officer demanded – before the latest fine increases - a fine of 300 Manats (2,175 Norwegian Kroner, 270 Euros, or 375 US Dollars) because the congregation has no state registration.

However, Balabeyov and other church members explained that the congregation is part of the Star of the East denomination, with headquarters in Baku, and has registration under the previous Religion Law under the Baku congregation. They explained that Star of the East applied for re-registration with the State Committee on 24 November 2009, but has received neither approval nor rejection. Balabeyov explained to the court that the State Committee refused to accept an application from his local congregation, insisting that it should wait until the Baku congregation is re-registered.

The judge then ordered church members to bring documentary confirmation from the State Committee that the church is awaiting re-registration, specifying a second hearing at 4 pm on 11 January. However, when Balabeyov and other church members arrived for this hearing with the State Committee document, they found the court building surrounded by armed officers as an unrelated case was underway which police regarded as requiring heightened security. They refused to let Balabeyov in, even though he showed them he was due for a trial. They told him he should wait on the street until he was called.

Eventually court officials told Balabeyov his case would be heard last at 7 pm, but at 8 pm Judge Guliev summoned Balabeyov and said the hearing had already taken place and that he would find out the verdict when he received the written judgment after several days.

First documented fine, previous fines undocumented

When he received the written decision on 13 January, Balabeyov learnt that he had been found guilty, but as he had never been sentenced before and had four young children the fine was reduced to 100 Manats (725 Norwegian Kroner, 90 Euros, or 125 US Dollars).

Church members told Forum 18 that Balabeyov has been fined for his religious activity a similar amount to the latest fine several times in recent years. However, on each of those occasions the fine was handed down orally with no documentation and no reference to any specific article of the Code of Administrative Offences.

Under the amendments which came into force this month, punishments for individuals convicted of Article 299 "offences" are now between 1,500 Manats (11,550 Norwegian Kroner, 1,350 Euros, or 1,800 US Dollars) and 2,000 Manats (15,400 Norwegian Kroner, 1,800 Euros, or 2,500 US Dollars).

Shabran residents told Forum 18 that 100 Manats represents about three weeks' wages for local state employees, for example teachers or health workers.

Fine follows raid

The most recent trouble began on 21 November 2010, when three police officers in civilian clothes raided Star of the East's Sunday morning worship service, where more than 30 church members were meeting. The police halted the service and confiscated three Christian books, including a New Testament in Azeri. Then they took Balabeyov to the police station, where he was held and questioned for nearly four hours.

In a 24 November summons seen by Forum 18, Shabran police chief Colonel Eldar Ilyasov summoned Balabeyov to answer questions for allowing his four small children to attend "illegal religious gatherings". His children are aged between 1 and 6. However, Balabeyov was not fined for the presence of his own children at religious services.

Balabeyov was again summoned by police on 25 December, the day his church marks as Christmas Day. "They specially did this, holding him for the whole day," church members told Forum 18. "What a great way to spend Christmas."

No raid?

Duty officers at Shabran District Police insisted to Forum 18 on 24 January that no raid had taken place. Colonel Ilyasov himself refused to discuss why the congregation had been raided simply for meeting for worship. "I'm not going to give you any information," he told Forum 18 the same day. "I can't see you." He then put the phone down.

Judge Guliev at Shabran District Court refused on 24 January to answer any of Forum 18's questions or to explain why he sentenced Balabeyov in his absence while the accused was waiting outside the courthouse ready to be admitted.

So who has been re-registered?

As of 24 January 2011, more than a year after the deadline for re-registration, the State Committee for Work with Religious Organisations had re-registered only 510 religious communities, according to its website. No religious communities are known to have been re-registered since early December 2010. Some 30 communities are said to have been denied re-registration on various pretexts, 17 of them Muslim and the rest of other faiths. Many more applications are languishing unanswered. A total of 534 were registered under the old Law, with many registration applications having been either not allowed to be made due to official hostility, refused by the State Committee, or not answered.

Further re-registration denials

In early January 2011, the State Committee told the Caucasian Muslim Board it was refusing re-registration to 17 Muslim communities, the Muslim Board spokesperson Rahima Dadasheva told the local Azeri Press Agency on 7 January. She said the Board had not yet received the State Committee's rejection in writing.

Forum 18 has been unable to obtain a copy of the letter from the Muslim Board or the State Committee, or to find out why re-registration was refused in each case.

Mugaddes Paizov, Head of the Board's International Relations Department, insisted to Forum 18 that the State Committee was the agency to explain the rejections. "It was they who rejected the applications, not us," he told Forum 18 from Baku on 19 January. "All mosques get approval from us and then the documents go to the State Committee." Paizov pledged that the Board "will bring the documents of the 17 mosques into order" and resubmit them.

He seemed unconcerned by the rejection. "We can't dictate to the State Committee," he told Forum 18. "Religion is separate from the state." He denied that these 17 mosques face official closure. "No one can ban a community from praying," he claimed.

A number of mosques have been closed by the authorities on various pretexts in recent years, with the mosque communities stopped from praying together (see F18News 1 September 2010 http://www.forum18.org/Archive.php?article_id=1482).

However, Paizov dismissed concerns, denying that members of these mosques could no longer meet for worship after their closure, and that Sunni mosques had been a particular target for closure. "Maybe some of these mosques didn't have permission to build or were not built legally," he claimed. "The state has an interest in this."

Only prayers in private homes under surveillance permitted

However, community members of the closed mosques have told Forum 18 of their continuing concerns. Vidadi Abbasov, a member of the closed Sunni mosque in the Shahsevenler district of Gyanja, complained that "no one had the right to close our mosque". "No one has given us an answer as to why our mosque was closed," he told Forum 18 on 19 January.

He said local officials tell community members that the problem needs to be resolved in Baku. "We wrote to the State Committee in Baku and to our local mayor, but we've had no positive result," Abbasov complained. He said community members now have to pray in private homes, where no more than about 15 people can pray together at once.

"Police find out what we are doing and prevent us from doing anything more than praying – we can't preach for example." He said local police officers often wait in cars outside private homes to watch and listen as they pray. However, he said police have not so far interrupted prayers in private homes.

Since the mosque's enforced closure in September 2009, four days before the end of the Muslim fasting month of Ramadan, the community has been seeking in vain to have it reopened (see F18News 7 May 2010 http://www.forum18.org/Archive.php?article_id=1441).

Challenge to re-registration denial fails

Among religious communities which have tried to challenge a State Committee re-registration denial is Baku's Jehovah's Witness community. In July 2010 Sabail District Court rejected their suit (see F18News 1 September 2010 http://www.forum18.org/Archive.php?article_id=1482).

The community took the case further to Baku Appeal Court. However, on 6 January Judge Tofik Samadov rejected their suit, Jehovah's Witnesses told Forum 18.

Forum 18 knows of no religious community which has successfully challenged a State Committee decision in court, whether over denial of registration or re-registration or censorship of religious literature.

Raids, threats and surveillance increasing?

Police raids, threats and surveillance appear to have increased since the adoption of harsh revisions to the Religion Law in May 2009. This banned unregistered religious activity and also required all religious communities to gain re-registration by 1 January 2010 (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305). Harsher controls aimed specifically at Muslim communities were introduced into the Religion Law one month after the controls aimed at all communities (see F18News 22 July 2009 http://www.forum18.org/Archive.php?article_id=1330).

Among other recent raids, on 11 December 2010 the Adventist congregation in Sumgait was raided. Two church members were subsequently fined. On 18 December police in Gyanja raided a Jehovah's Witness meeting in a private home. Three Jehovah's Witnesses were fined, one was warned and two – both Georgian citizens – were deported (see F18News 7 January 2011 http://www.forum18.org/Archive.php?article_id=1527). (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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