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AZERBAIJAN: Raid, warnings, deportation

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

A court in Azerbaijan has officially warned 13 Jehovah's Witnesses after they were detained when 10 police raided a meeting in a Baku home to exercise freedom of religion or belief. One Jehovah's Witness – Georgian citizen Goderdzi Kvaratskhelia – was on 6 July ordered to be deported, Jehovah's Witnesses told Forum 18 News Service. One week later, a court in Sheki rejected appeals by two Jehovah's Witness sisters against fines of more than three months' average wages for discussing their faith on the street. They escaped criminal prosecution as the New Testament and Jehovah's Witness brochure they had with them had been imported with permission from the State Committee for Work with Religious Organisations. A Baku resident who sold Muslim books without the required State Committee licence has lost his Supreme Court appeal against the fine of 18 months' average wages.

On 6 July a court in Azerbaijan's capital Baku ordered the deportation of Georgian citizen Goderdzi Kvaratskhelia for participating in a meeting exercising freedom of religion or belief in a private home, Forum 18 News Service has learned. About 10 police officers had raided the meeting three months earlier. The same court issued official warnings to 12 other Jehovah's Witnesses who attended the meeting.

Kvaratskhelia was detained at the end of the hearing and was handed over to the Migration Service, Jehovah's Witnesses told Forum 18. After being held overnight, the Migration Service took him to Baku airport the following afternoon, 7 July. They gave him a ticket and put him on the evening flight to the Georgian capital Tbilisi.

"The consulate of Georgia in Baku has not been notified about the deportation of Mr. Goderdzi Kvaratskhelia and the Foreign Ministry has not received any notification about the said deportation either," the Georgian Foreign Ministry told Forum 18 from Tbilisi on 5 August.

Also in July, two Jehovah's Witnesses from the north-western town of Zakatala [Zaqatala] failed to overturn large fines handed down in May to punish them for talking to others on the streets about their faith. Police who detained them insisted that their faith does not have state permission to exist in Azerbaijan. The two women avoided criminal prosecution as the State Committee for Work with Religious Organisations had allowed the import of religious books they had with them (see below).

Jehovah's Witnesses had state registration from 1999 to 2009. However, the State Committee rejected their re-registration application in 2010, though it has never gone to court to strip the Jehovah's Witness community of registration. Many other religious communities – including mosques and almost all Protestant Christian communities – also had their 2009 re-registration applications rejected or ignored (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Even religious communities that have state registration – such as the two Georgian Orthodox parishes in Gakh [Qax] Region of northern Azerbaijan – cannot function properly since the denial of re-entry to their priest, Georgian citizen Fr Demetre Tetrushvili. Talks between two visiting Georgian Orthodox bishops and officials of the State Committee in Baku on 29 July appear to have failed to remove the obstacles to Fr Tetrushvili's return (see below).

Police raid

On 9 April about 10 police raided a group of Jehovah's Witnesses in Lokbatan, on Baku's southern edge, as they met exercising their freedom of religion or belief in the home of Rovshan Mursalov. Police confiscated personal belongings from the Jehovah's Witnesses, including Bibles and other religious literature, as well as telephones and tablet computers, Jehovah's Witnesses complained to Forum 18. Those present were taken to Lokbatan Police Station for questioning.

A case was prepared against Georgian citizen Kvaratskhelia under Article 300.0.4 of the Code of Administrative Offences. This punishes "the conduct of religious propaganda by foreigners or stateless persons", with fines for individuals of between 2,000 and 2,500 Manats. Foreign citizens can also be ordered deported. (2,000 Manats is equivalent to about 15,700 Norwegian Kroner, 1,750 Euros, or 1,900 US Dollars.)

Case were prepared against 12 others present at the meeting under Article 299.0.2 of the Administrative Code. This punishes

"violating legislation on holding religious meetings, marches, and other religious ceremonies", with fines for individuals of between 1,500 and 2,000 Manats.

Forum 18 was unable to reach anyone at Lokbatan Police Station on 5 August to ask why officers raided a home in the middle of a religious meeting and prepared administrative cases against 13 of those present.

Deportation ordered at closed hearing

In a closed hearing on 6 July, Baku's Qaradag District Court convicted Kvaratskhelia, Jehovah's Witnesses told Forum 18. He was not fined, but the Judge ordered his deportation from Azerbaijan.

At hearings on 8 and 9 July, the same court convicted 12 other Jehovah's Witnesses under Article 299.0.2. They too were not fined, but the Judges gave each of them an official warning.

Appeals against massive fines fail

Meanwhile, on 15 July, Judges at Sheki Appeal Court rejected appeals by two female Jehovah's Witnesses, Matanat Qurbanova and Saadat Muradhasilova, who are sisters from the northern town of Zakatala. Judge Rovshan Rafiyev rejected Qurbanova's appeal, while Judge Elchin Huseynov rejected Muradhasilova's appeal, according to the court decisions seen by Forum 18.

Judge Arif Ismayilov had found both Qurbanova and Muradhasilova guilty at Zakatala Regional Court on 15 May under Administrative Code Article 299.0.4. This punishes "religious activity not within a religious association's registered address", with fines for individuals of between 1,500 and 2,000 Manats. Judge Ismayilov fined each of the sisters 1,500 Manats. Both had told the court they were innocent of any wrongdoing.

The fine of 1,500 Manats represents more than three months' average wages for those in work, according to figures from the State Statistical Committee. However, in remote regions like Zakatala, wages for those in work are often much lower.

Detained on the streets

The sisters were detained on the streets of Zakatala on 9 November 2014 when talking about their faith with others and offering religious literature, according to the court decisions. They were taken to the police station and questioned for about four hours. They were summoned back for questioning on the next two days.

On 15 December 2014, the State Committee wrote to Zakatala Police to confirm that it had approved the import of the Jehovah's Witness brochure "What is the Key to Happy Family Life?" on 5 December 2013 and the New Testament on 6 June 2014.

As part of a tight system of religious censorship, all religious literature printed in or imported into Azerbaijan requires compulsory prior written approval from the State Committee. If it grants such permission, the State Committee also specifies the number of copies a religious community is given permission for (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

State censorship of religious texts is strictly applied and the Old Testament, the writings of Islamic theologian Said Nursi, and some Jehovah's Witness texts are on a police list of banned religious literature (see F18News 6 May 2014 http://www.forum18.org/archive.php?article_id=1955). These texts are routinely confiscated by police (see eg. F18News 3 June 2014 http://www.forum18.org/archive.php?article_id=1964).

Administrative, not criminal prosecution

Following the State Committee letter, Zakatala Police decided not to proceed with a criminal prosecution of Qurbanova and Muradhasilova under Criminal Code Article 167-2. This punishes "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation". Punishments for first time offenders acting alone are a fine of between 5,000 and 7,000 Manats or up to two years' imprisonment. Such an "offence" by a group of people "according to a prior conspiracy", by an organised group, by an individual for a second time or by an official would attract a fine of between 7,000 and 9,000 Manats or imprisonment of between two and five years (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Four Sunni Muslim prisoners of conscience from Baku were jailed in July, under Criminal Code Article 167-2, for selling religious books without state permission. All are associated with the Lezgin Mosque, which the government wants to close. In February two female Jehovah's Witnesses, Irina Zakharchenko and Valida Jabrayilova, were arrested. They have since been held in the National Security Ministry (NSM) secret police Investigation Prison in Baku under investigation under the same Criminal Code Article (see F18News 10 July 2015 http://www.forum18.org/archive.php?article_id=2079).

On 26 December 2014, Police Captain Sahaddin Hasanov drew up a record of an offence against Qurbanova, while Police Captain Qabil Abdullayev drew up a record of an offence against Muradhasilova, and sent the records to court. They claimed that the sisters were conducting religious activity not at a registered religious organisation's registered address, a violation of Administrative Code Article 299.0.4. They insisted that as Jehovah's Witnesses do not have state registration, their activity is not allowed.

The telephones of both Captain Hasanov and Captain Abdullayev were engaged or went unanswered each time Forum 18 called on 5 August.

Bookseller's Supreme Court appeal rejected

On 14 July, Judge Gulzar Rzayeva of the Supreme Court in Baku rejected the appeal by bookseller Kamran Abdiyev against his conviction and fine, according to court documents. He had been punished for selling religious books which had not undergone the State Committee's religious censorship and without a religious bookseller's licence from the State Committee. A total of 244 Muslim books were confiscated from him in summer 2014.

Abdiyev, who lives in Qaradag District of south-western Baku, had been found guilty at Qaradag District Court on 9 September 2014 under Criminal Code Article 167-2.1. He was fined 6,000 Manats, representing about 18 months' average wages for those in work.

On 4 December 2014 Baku Appeal Court rejected his appeal. He lodged his appeal to the Supreme Court on 1 April 2015, and the case was assigned to Judge Rzayeva. She declined to discuss the case with Forum 18 on 25 May before she had heard the appeal (see F18News 26 May 2015 http://www.forum18.org/archive.php?article_id=2065).

Judge Rzayeva's telephone went unanswered when Forum 18 called on 5 August.

Permission denied for 147 religious texts

A 31 July meeting at the State Committee in Baku to review its work from January to June 2015 heard that it denied permission to 147 religious publications during that period out of 632 for which its permission was sought. It claimed that banning their import and/or distribution was to prevent books "propagating religious intolerance, discrimination or extremism", according to a report that day on the State Committee website.

However, State Committee censorship decisions are not made public, so it is impossible to establish whether the banned books contained "religious intolerance, discrimination or extremism" or not (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Forum 18 asked the State Committee in writing on 3 August for a list of the 147 banned books. It had received no response by the end of the working day in Baku on 5 August.

Georgian Orthodox priest still unable to return

Metropolitan Gerasim Sharashenidze and Bishop Demetre Kapanadze of Khornabuji and Hereti (a diocese which includes Azerbaijan's parishes) travelled from Georgia to Baku for a meeting on 29 July at the State Committee. Accompanied by Georgia's ambassador to Azerbaijan, Teimuraz Sharashenidze, they were received by State Committee Chair Mubariz Qurbanli, according to a report that day on the State Committee website.

The meeting appeared to have failed to overturn the ban on the return of the priest to the Georgian Orthodox Church's two registered parishes in Azerbaijan, both in Gakh Region. On 21 June, Azerbaijani border guards denied Fr Demetre (secular name Levan Tetrushvili) permission to re-enter the country at the border crossing point from Georgia at Balakan. This meant that no Georgian Orthodox parishioners in Azerbaijan have access to the liturgy or other sacraments (see F18News 13 July 2015 http://www.forum18.org/archive.php?article_id=2080).

Forum 18 asked the State Committee in writing on 29 June (and re-sent on 3 July) why Fr Demetre was barred from re-entering Azerbaijan and why he cannot continue to serve his parishes. It had received no response by the end of the working day in Baku on 5 August. Similarly, written enquiries on 29 June and 9 July to Hikmet Hajiyev, spokesperson for Azerbaijan's Foreign Ministry in Baku, have so far gone unanswered.

Registration still denied for many

At the 31 July State Committee meeting, officials claimed that it has now registered 632 religious communities, according to its website. The report did not explain why many religious communities that applied for state registration in 2009, when re-registration was imposed after revisions to the Religion Law, were rejected or have had their applications ignored since 2009 (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Because the State Committee website has not updated its list of registered religious communities for several years, it is not possible to know which communities are claimed to have registration.

Forum 18 asked the State Committee in writing on 3 August for a list of the 632 registered religious communities. It had received no response by the end of the working day in Baku on 5 August.

No Jehovah's Witness, Baptist or Seventh-day Adventist communities have been able to gain state registration. Only three Protestant communities have been allowed to register (Lutheran, New Life and Word of Life), while many others have had their applications rejected or ignored. Many Sunni Muslim mosques have had or have been threatened with enforced closure (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Qurbanli also announced at the 31 July meeting that the number of the State Committee's regional offices would rise from 9 to 15, while the number of staff at its Baku headquarters would also increase. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/archive.php?article_id=2081.

More coverage of freedom of thought, conscience and belief in Azerbaijan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=23>.

See also the Norwegian Helsinki Committee/Forum 18 report on freedom of religion or belief in Azerbaijan at: http://www.nhc.no/content/uploads/2018/07/Rapport2_15_Aserbajdsjan_web.pdf

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.

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