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AZERBAIJAN: Police claim "everything was done well"

By Felix Corley, Forum 18

Three Jehovah's Witnesses, two Baptists, and a bookseller have each been fined three to four months' average wages. Their "offences" include discussing beliefs, offering religious literature, and meeting for prayer. And an unlicensed mosque has been raided and had allegedly "superstitious" items confiscated.

In early January 2017, a higher court rejected the appeal by three Jehovah's Witnesses from Goranboy District in western Azerbaijan against large fines, imposed for discussing their faith with others and offering religious literature. The accused were not allowed to prepare a defence or speak in court (see below).

Two Baptists in the northern Zakatala [Zaqatala] District were fined in December 2016 for leading worship services without state permission after a large police raid two weeks earlier. The Saturday morning raid on an "illegal" meeting for prayer resulted in the detention of more than 30 adults and children present, after which 16 women and 10 men were questioned at the local police station until 10 pm at night. Police sent confiscated religious literature to the capital Baku for alleged "expert analysis". "Everything was done well," police Major Amil Muradov told Forum 18 before putting the phone down (see below).

Also, a Baku court fined local resident Elnara Qasimova for selling religious materials without the compulsory permission from the State Committee for Work with Religious Organisations and the local administration. However, on 17 January 2017 Baku Appeal Court cancelled the fine and sent the case back to the lower court for a new hearing (see below).

It appears that Qasimova's prosecution was a result of raids by State Committee officials as well as police officers on at least five shops selling religious literature in Baku's Sabail and Nasimi Districts, announced on 2 December 2016. Officials said five shops were selling religious literature "illegally" (see below).

The three Jehovah's Witnesses, two Baptists and Baku bookseller Qasimova were each fined about three to four months' average wage. (The State Statistics Committee gives the average monthly wage for those in work between January and October 2016 as nearly 494 Manats.)

Also, officials in Baku confiscated 59 religious books, 19 videotapes, 27 DVDs and 80 CDs which they claimed had not passed state censorship, adding that unspecified items "included elements of khurafat [prejudice or superstition]". This term does not appear in published law. The confiscation followed a December 2016 raid on a Shia Muslim community operating without state permission (see below).

Fined for discussing faith

Trouble began in mid-November 2016 for two Jehovah's Witnesses in Goranboy District, Jaarey Suleymanova and Gulnaz Israfilova. The two women had been visiting a woman "who had enjoyed their Bible discussions for many months", Jehovah's Witnesses told Forum 18. Subsequently, the Goranboy District Police charged the two women under the Code of Administrative Offences' Article 515.0.4 ("Religious associations operating away from their registered legal address"). The fine for individuals for this "offence" is between 1,500 and 2,000 Manats (see F18News 2 June 2016 http://www.forum18.org/archive.php?article_id=2184).

Police handed the case to Goranboy District Court. On 17 November 2016, Judge Ismayil Abdurahmanli handed them each the maximum fine of 2,000 Manats, more than four months' average wages for those in work, according to court records.

Suleymanova and Israfilova lodged appeals against the fines to Gyanja [Gäncä] Appeal Court. However, on the afternoon of 5 January 2017, Judge Fikrat Aliyev rejected their appeals, according to court records.

Goranboy District Police brought exactly the same charges against another local Jehovah's Witness, Ziyad Dadashov. "Four men from his village testified that Ziyad Dadashov had spoken of his beliefs and offered Bible literature," Jehovah's Witnesses told Forum 18.

Police handed the case to Goranboy District Court. On 2 December 2016, Judge Shirzad Huseynov found Dadashov guilty under Administrative Code Article 515.0.4. The Judge fined him 1,500 Manats, more than three months' average wages for those in work, according to court records.

Dadashov similarly appealed against the fine to Gyanja Appeal Court. However, on the morning of 5 January 2017, Judge Badal Aliyev rejected his appeal, according to court records.

"In neither case did the defendants have the opportunity to prepare their defence, nor did they have the opportunity to speak during court hearings," Jehovah's Witnesses complained to Forum 18.

Reached on 17 January, an official of Goranboy District Police refused to discuss anything with Forum 18 and put the phone down.

Meeting for prayer raided

On the morning of Saturday 26 November 2016, about 10 uniformed police officers and several men in plain clothes (including local State Committee representative Mehman Ismayilov) raided the home of a Baptist leader in the village of Aliabad in Zakatala District. They arrived about half an hour after a regular prayer meeting had begun in the home of Hamid and Hinayat Shabanov, fellow Baptists told Forum 18. About 30 adults and several children were present at the prayer meeting.

The officers ordered Hamid Shabanov and his fellow Baptists to halt the prayer meeting, "saying it was illegal because of the lack of state registration".

An Interior Ministry statement on the day of the raid said State Committee representatives accompanied Zakatala Police on the raid. The statement did not identify the community as Baptist, speaking only of "an illegal religious gathering aimed at spreading a religious sect banned under the law". It added that 16 items of religious literature had been confiscated and sent for "expert analysis" to the State Committee in Baku.

Alleged "expert analysis" is used to justify the stringent imposition of state censorship (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Colleagues of Zakatala State Committee representative Ismayilov told Forum 18 on 17 January 2017 that he was not in the office. They refused to comment on the raid on the Baptists.

Over several hours on 26 November 2016, officers held those present for the prayer meeting in a room in Shabanov's home. They allowed individuals out only to go to the toilet, one at a time. Officers wrote down the names and identity document details of all those present. They also compiled a list of all the religious literature they could find belonging to the church or its members, Baptists complained to Forum 18.

Police then took 26 church members (16 women and 10 men) to the District Police Station, where officers demanded that they each write a statement. Police had already confiscated several of the individuals' phones. By 10 pm officers had released all 26 of those detained.

Only on 29 November did police return the confiscated identity documents to the church members. The same day the investigator announced that charges were being brought against church members for meeting "illegally" without state registration. The investigator did not say how many cases had been prepared and when they would be handed to court.

Against international human rights law, all exercise of freedom of religion and belief by more than one person without state permission is banned (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

All those detained during the raid signed an appeal to the State Committee in Baku for their Church to be allowed to worship freely, Shabanov told Forum 18. The Church has received no response.

Two fined, church banned from meeting

Police summoned to Zakatala Police Station on 12 December all 26 church members who had been detained during the 26 November raid.

Police had prepared records of an offence against two church members, Hamid Shabanov and Mehman Agamammadov under Administrative Code Article 515.0.2 ("Violating legislation on holding religious meetings, marches, and other religious ceremonies"). The fine for individuals for this "offence" is between 1,500 and 2,000 Manats (see F18News 2 June 2016 http://www.forum18.org/archive.php?article_id=2184).

The cases were handed to Zakatala District Court. There in a 15-minute hearing on 12 December 2016, Judge Arif Ismayilov found both Shabanov and Agamammadov guilty and fined them each the minimum fine, 1,500 Manats, the Judge told Forum 18 from the Court on 17 January.

Judge Ismayilov claimed to Forum 18 that both men had admitted their guilt in court. Shabanov denied this. "I told the court it was not our fault, as we applied but they won't give us registration," he told Forum 18.

Judge Ismayilov insisted that Shabanov and Agamammadov had been given the court decisions in writing, though he refused to say when or how. However, Shabanov denied this. "We rang the court and visited it, but they wouldn't send or give us the decision," he told Forum 18. "We had 10 days to appeal against the fine but that's now gone. But they haven't demanded the money either."

On 15 December 2016 officials returned all the confiscated books to the church. "The State Committee in Baku looked at them and could find nothing wrong with them," Shabanov told Forum 18

However, police and the Judge told the Church that it is illegal for church members to meet for worship. They were warned that if they do so they will be fined.

One Zakatala Police officer who prepared the prosecution materials in Agamammadov's case for the court, Major Amil Muradov, refused to discuss the ban on the church's activity or the raid. "Everything was done well," was all he would tell Forum 18 on 17 January 2017 before putting the phone down.

History of raids, fines, imprisonments, registration denial

Shabanov's church and a fellow Baptist congregation in Aliabad have been seeking state registration since the mid-1990s. However, state officials have consistently refused to process the applications, including the most recent application the Church submitted in 2010 after changes to the Religion Law (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

State officials have repeatedly harassed Aliabad's Baptists since the 1990s, with repeated police raids on worship meetings and confiscation of religious literature. Several church members were sacked from their jobs because of their faith, including a nurse from a hospital and the head of the local kindergarten. Baptists were banned from using the collective farm's agricultural machinery for their plots, and from receiving state subsidies provided to other farmers, Ilya Zenchenko, the head of the Baptist Union, complained to Forum 18 from Baku. Officials have in the past denied registration to children of local Baptists who had chosen Biblical names for their new-born children (see eg. F18News 25 February 2010 http://www.forum18.org/archive.php?article_id=1414).

One of the Church's pastors, former prisoner of conscience Zaur Balaev, was imprisoned on false charges from May 2007 to March 2008 (see F18News 19 March 2008 http://www.forum18.org/Archive.php?article_id=1102). Another pastor of the Church, former prisoner of conscience Hamid Shabanov, was held in pre-trial detention from June to November 2008. In February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were also fabricated to punish him for exercising his freedom of religion and belief (see F18News 12 February 2009 http://www.forum18.org/Archive.php?article_id=1254).

"Despite all this they continue to meet to this day," Pastor Zenchenko noted, "under the leading of their hearts – which love God – and in accordance with Azerbaijan's Constitution guaranteeing freedom of assembly, freedom of speech and freedom of conscience and religious belief." But Baptists feel angry that police action had violated the alleged 2016 Year of Tolerance declared by President Ilham Aliyev. The regime uses claims of its alleged "religious tolerance" to camouflage its multiple human rights violations (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

Police and religious affairs officials raid Baku bookshops

State Committee officials and police officers raided at least five shops selling religious literature in Baku's Sabail and Nasimi Districts, the Interior Ministry and the State Committee announced on 2 December 2016. State Committee officials said five shops were selling religious literature and other religious items "illegally".

Police confiscated 433 different religious titles being sold without the compulsory hologram sticker showing that the books had the required permission from the State Committee to be sold. Officers drew up records of an offence in each case.

The latest Baku bookshop raids appear to be a continuation of earlier raids. Police and officials of the State Committee raided at least 26 shops and six homes across Azerbaijan in October and early November 2016 to seize religious literature being distributed without the compulsory state permission. Some book sellers were then punished. All the literature confiscated from shops appears to have been Muslim (see F18News 16 November 2016 http://www.forum18.org/archive.php?article_id=2231).

Religious literature and other materials can be sold or distributed only at specialised outlets which have been approved both by the

State Committee and the local administration (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

In addition, all religious literature produced in, published in (including on the internet) or imported into Azerbaijan is subject to prior compulsory censorship. When the State Committee does give permission to publish or import a work it also specifies how many copies can be produced or imported. All religious materials sold must have a sticker noting that they have State Committee approval. State officials have repeatedly denied that this represents censorship (see F18News 1 October 2015 http://www.forum18.org/archive.php?article_id=2107).

The stickers from the State Committee cost religious communities or bookshop owners 0.02 Manats each. However, acquiring them can be difficult. Jehovah's Witnesses complained that between April and October 2016, the State Committee told them that it had run out of stickers. This meant that even publications the State Committee had given Jehovah's Witnesses permission to import could not be distributed without fear of punishment (see F18News 16 November 2016 http://www.forum18.org/archive.php?article_id=2231).

Fined for religious literature, but fine overturned

One case is known to have been brought to court in Baku's Sabail District, though it remains unclear if this was as a result of the raids.

On 28 December 2016 Judge Rauf Ahmadov of Sabail District Court fined local resident Elnara Qasimova 2,000 Manats for selling religious items without the compulsory permission from the State Committee and the District administration, the court told Forum 18 on 16 January.

Qasimova was fined under Administrative Code Article 516.0.2 ("Selling religious literature (printed or on electronic devices), audio and video materials, religious merchandise and products, or other religious informational materials, which have been authorised for sale under the Religion Law, outside specialised sale outlets established with the permission of the relevant government authority distributing religious literature, religious objects and information material without State Committee permission").

Punishments under Article 516.0.2 entails confiscation of the literature, merchandise and products or other materials concerned. Additional punishments under Article 516 are: for individuals fines of between 2,000 and 2,500 Manats; for officials fines of between 8,000 and 9,000 Manats; for organisations fines of between 20,000 and 25,000 Manats; and for foreigners and stateless persons fines of between 2,000 and 2,500 Manats with deportation from Azerbaijan (see F18News 2 June 2016 http://www.forum18.org/archive.php?article_id=2184).

Qasimova's appeal against her punishment was handed to Baku Appeal Court on 11 January. On the morning of 17 January Judge Ilqar Murquzov partially upheld Qasimova's appeal. He cancelled the fine, but sent the case back to the lower court for a new hearing, according to court records.

The official who answered the phone of the Baku city representative of the State Committee on 17 January, who refused to give his name, refused to answer any of Forum 18's questions as to why officials raided the bookshops, confiscated religious literature or brought a case to punish Qasimova.

Baku Muslim community raided

State Committee officials, together with officers of the police, State Security Service (SSS) secret police and officials from Baku's Sabail District local administration raided a Shia Muslim community, State Committee officials told the local media on 8 December 2016. They claim to have been responding to information that the community in Badamdar in south-western Baku was functioning "in violation of procedures governing the activity of religious organisations".

The Muslim community is not one of the four mosques the State Committee allows to function in Sabail District. The regime has a policy of closing mosques operating without state permission and without a leadership the State Committee has appointed. Sunni mosques are especially severely targeted for forcible closure (see eg. F18News 20 September 2016 http://www.forum18.org/archive.php?article_id=2216).

During the raid, State Committee officials confiscated 59 religious books, 19 videotapes, 27 DVDs and 80 CDs which they claimed did not have the required State Committee permission. Officials added that they found unspecified items "which included elements of khurafat [prejudice or superstition]". They claimed to have then launched an investigation.

Azerbaijan's legal database does not include the term "khurafat" in any law or legal document. It remains unclear why State Committee officials think the unspecified confiscated items are illegal. (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>.

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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