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AZERBAIJAN: Fined for home religious meetings, picnic

By Felix Corley, Forum 18

More than 20 Muslims, fined three months' average wages for a religious meeting in a home in Quba, failed in their appeals. A Baptist Pastor similarly fined will appeal to the Constitutional Court. A Muslim was fined for reading religious books aloud at a picnic.

Sumgait Appeal Court has rejected appeals by more than 20 Muslims from the north-eastern Quba District fined more than three months' average wages for a religious meeting in a home in March which was raided by police. In two separate cases at Sheki Appeal Court, a Sunni Muslim and a Baptist Pastor have failed to overturn similar fines imposed to punish them for holding religious meetings with others. The Baptist Pastor is preparing to challenge his punishment in Azerbaijan's Constitutional Court.

Azerbaijani law bans and imposes punishments for religious meetings without state permission, including such meetings in homes.

On various dates in April and May, Sumgait [Sumqayit] Appeal Court upheld fines of 1,500 Manats on many of the 21 Muslims from Quba District punished for taking part in a religious meeting in a home raided by police (see below).

On 31 May, Sheki Appeal Court upheld the fine of 1,500 Manats on Sunni Muslim Shahin Ahmadov. Police detained him for reading aloud from the works of the late Turkish Muslim theologian Said Nursi to three friends while enjoying a picnic in the mountains near his home in the northern town of Qakh. Police refused to tell Forum 18 if they routinely patrol forests and mountains to discover people reading religious books aloud (see below).

On 21 June, Sheki Appeal Court upheld the fine – also of 1,500 Manats – on Baptist Pastor Hamid Shabanov, rejecting his attempt to have the deadline for lodging an appeal extended. He was punished for meeting with fellow church members in the village of Aliabad in the northern Zakatala [Zaqatala] District which was raided by police. The church has been seeking state registration since the mid-1990s, so far in vain (see below).

A fine of 1,500 Manats (7,500 Norwegian Kroner, 780 Euros or 900 US Dollars) represents more than three months' average wages for those in work. However, wages in remote northern regions - such as Quba, Qakh and Zakatala - are much lower than the national average.

All the Muslims and the Baptist Pastor were fined under Administrative Code Article 515.0.2. This punishes "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.

Meanwhile, an Imam in the central Goychay District, Ruslan Mammadov, was removed from his role as Muslim Board approved Imam and punished for "illegal activity" by setting up a mosque in a village near his home (see below).

The State Committee for Work with Religious Organisations in the capital Baku has warned an Imam for holding an "illegal" meeting during the Muslim holy month of Ramadan in a city mosque from which he was forcibly ousted in 2004 (see below).

State permission compulsory – but frequently denied

Azerbaijan insists that state permission is needed for people to meet together to exercise freedom of religion or belief, in defiance of its international human rights obligations. Religious communities have repeatedly complained of arbitrary registration and re-registration denials. Lack of state registration can lead to police raids, confiscations of religious literature, fines and even criminal prosecutions.

Azerbaijan's harsh Religion Law also imposes specific restrictions on Muslim communities which are not imposed on communities of other faiths. Mosques cannot gain state registration independently and must be subject to the Muslim Board, which has to appoint the clergy (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=2081).

The State Committee – which is supposed to register religious communities – has persistently refused to process registration applications by communities it does not like. Particular targets of obstruction to registration or re-registration attempts are Sunni Muslim communities, other Muslim communities outside the control of the state-backed Caucasian Muslim Board, Protestant churches and Jehovah's Witness communities.

Quba: Mass punishments for meeting in home

Police in the north-eastern town of Quba raided a religious meeting in the home of local resident Tehran Amiraslanov on 4 March, the Interior Ministry noted on its website the same day. Police accused participants of violating the Religion Law by holding a religious meeting without state permission.

Officers seized 54 religious books and 16 audio tapes and sent them to the State Committee for Work with Religious Organisations for "expert analysis". Officers also detained the 22 Muslims present and drew up records of an offence against them under Administrative Code Article 515.0.2.

Police then sent the cases to Quba District Court. At least 21 of the accused were found guilty and each fined 1,500 Manats at hearings on 5 March, the day after the raid.

Judge Farid Yaqubov punished 12 of the Muslims: the host of the meeting Amiraslanov, as well as Fakhraddin Khanlayev, Sadulla Mursalov, Ramiz Asadov, Sarvat Rzamov, Vuqar Rafiyev, Elmar Aliyev, Azad Qasimov, Natiq Amrahov, Lutfaddin Gulaliyev, Ismayil Mammadov, and Murad Piraliev.

Judge Elman Ahmadov punished 9 of the Muslims: Ilham Alkhasov, Akram Badirkhanov, Etibar Pashayev, Sakhavat Seyfalov, Vasif Quliyev, Khaspulad Shikhmammadov, Eldeniz Hajiyev, Vuqar Ahmadov, and Seyran Muradov.

The men appealed against their punishments to Sumgait Appeal Court. At hearings in April and May, various Judges rejected their appeals, according to court records. On 23 May, for example, Judge Mubariz Zeynalov rejected the appeals by Rzamov, Amrahov and Shikhmammadov.

"The Muslims were punished for conducting religious meetings without state permission," the assistant to Judge Zeynalov told Forum 18 from the court on 5 July. Asked why individuals should be punished for this, she responded: "The law prescribes such punishments."

Judge Yaqubov of Quba District Court confirmed that he had handed down fines of 1,500 Manats on each of the 12 Muslims whose cases he had heard. "I can't discuss the decisions with you as you are not a party to the case," he told Forum 18 from Quba on 5 July. He said all of those fined had appealed against their punishments. "The appeals were all considered and rejected."

Asked if the punished Muslims were planning to appeal to the European Court of Human Rights in Strasbourg, Judge Yaqubov said he did not know. "But they have the right to lodge cases there."

Two of those punished in Quba, Hajiyev and Mammadov, were among a group of five Sunni Muslim men sentenced for taking part in an April 2014 home religious study meeting in Baku. Armed police raided the meeting and arrested many participants. The five subsequently received prison terms of between 1 year, 7 months and 5 years, 5 months. In April 2016 these were reduced on appeal (see F18News 27 April 2016 http://www.forum18.org/archive.php?article_id=2173).

Hajiyev and Mammadov were transferred in September 2016 from prison to a Baku detention centre where they were free to leave in the daytime, provided they remained in the city, but had to return to the centre at night (see F18News 13 March 2017 http://www.forum18.org/archive.php?article_id=2263).

Qakh: Fined for reading religious books at picnic

Shahin Ahmadov, a 25-year-old Sunni Muslim from Qakh, was studying his faith with others using the works of Said Nursi at a picnic in the open air on the afternoon of 18 April, according to the subsequent court decision seen by Forum 18.

Ahmadov and three acquaintances, Dostmammad Qurbanov (who was visiting from Goychay), Khazar Rustamli and Nizamaddin Abdulrahimov, were drinking tea near Kilsaburun in the mountains near Qakh. Ahmadov and Abdulrahimov also took with them to read their copies of the book "Shualar" (Rays of Light) from the series "Risale-i-Nur" by the late Turkish theologian Said Nursi.

Half an hour after Ahmadov began reading aloud, a plain-clothed police officer Elburus Eminov came upon them and asked what they were reading. He then ordered them to accompany him to Qakh District Police Station. There Ahmadov and Abdulrahimov "voluntarily" handed over their books. Ahmadov told officers he had no banned books or other items at his home in the town and did not object to the police making a search, according to the court decision.

The police then went to his home in Qakh. There, in the presence of witnesses, they seized three copies of the Koran, 68 books by Nursi, other religious books, one disc and three exercise books with Koranic verses written inside. They wrote out a confiscation record which they read out and Ahmadov signed, according to the court decision.

Officers sent the two copies of "Shualar", which Ahmadov had been reading aloud, as well as books and other materials seized from his home to the State Committee. They sought its assessment as to whether "they contained anti-state ideas or promoted radical religion or broke the Religion Law". They also sought information "on whether permission has been given for the activity of the Nurchu religious movement and for information about the scope of its activity, but it has not yet been possible to receive a letter of reply", the court decision added.

Captain Matlab Khalilov drew up a record of an offence under Administrative Code Article 515.0.2 on 19 April, accusing Ahmadov of holding an "illegal" religious meeting.

The case was then handed to Qakh District Court. On 3 May the Court's Judge Atabay Kichibayov found Ahmadov guilty and fined him the minimum fine of 1,500 Manats. The police officer Eminov, who found the four men, and another officer Azer Mammadov submitted statements to the court.

Ahadov appealed against the punishment to Sheki Appeal Court. However, on 31 May, Judge Imanverdi Shukurov left the fine unchanged, according to the decision seen by Forum 18.

Captain Khalilov was unable to say whether police officers regularly patrol mountains and forests near Qakh in case people are reading from religious books. He insisted that Ahmadov was reading from "banned" religious books, but struggled to explain why reading religious books in the open air should be an offence. "We just drew up the record of an offence and the court took the decision," he told Forum 18 from Qakh on 5 July. He then put the phone down.

An official of Qakh District Court told Forum 18 on 6 July that Ahmadov was the first person to be punished at that court in 2017 for exercising freedom of religion or belief. The court official put the number of such cases in 2016 at 40 to 45, adding that Jehovah's Witnesses had been among them.

Among known cases in Qakh District Court in 2016, Judge Kichibayov dismissed cases against four Jehovah's Witnesses in May and June 2016. He similarly dismissed cases against 27 Jehovah's Witnesses in May 2016, though the Appeal Court overturned the acquittals and fined them. In August 2016 he fined seven Jehovah's Witnesses (see F18News 6 October 2016 http://www.forum18.org/archive.php?article_id=2222).

Aliabad: 25 years of meetings, new punishment, Constitutional Court challenge

A quarter of a century after a Baptist community began meeting for worship regularly in the town of Aliabad in the northern Zakatala District, the community's Pastor (and former prisoner of conscience) Hamid Shabanov is preparing a legal challenge to the authorities' latest punishment on him.

The church has been repeatedly been denied state registration despite numerous attempts to apply to the State Committee and its predecessors (see F18News 17 January 2017 http://www.forum18.org/archive.php?article_id=2247).

On the morning of 26 November 2016, about 10 uniformed police officers and several men in plain clothes (including local State Committee representative Mehman Ismayilov) raided Pastor Shabanov's home. About 30 adults and several children had gathered there for a meeting for worship. Officers ordered them to halt the meeting, "saying it was illegal because of the lack of state registration".

Officers wrote down the names and identity document details of all those present. 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. By 10 pm officers had released all 26 of those detained.

Officers also seized 16 religious books which they sent to the State Committee for "expert analysis". These were later returned.

Police prepared records of an offence under Administrative Code Article 515.0.2 against two church members, Pastor Shabanov and Mehman Agamammadov. In a 15-minute hearing at Zakatala District Court on 12 December 2016, Judge Arif Ismayilov found both Pastor Shabanov and Agamammadov guilty and fined them each the minimum fine, 1,500 Manats (see F18News 17 January 2017 http://www.forum18.org/archive.php?article_id=2247).

The Court sent Pastor Shabanov the written decision only in January 2017. It never sent any written decision to Agamammadov.

Pastor Shabanov did not lodge an appeal within the prescribed ten days of receiving the written decision. On 24 April he lodged a petition to Zakatala District Court to have the appeal deadline extended, arguing that his trial had been unfair because he does not

know Azeri well (he is from the Ingilo Georgian minority) and the Court provided no translator. However, on 27 April the same Judge Ismayilov rejected his petition in a decision seen by Forum 18.

Pastor Shabanov then challenged this rejection of his petition to Sheki Appeal Court. However, at a 15-minute hearing on 21 June, Judge Rovshan Rafiyev upheld the 27 April decision, according to the Sheki Appeal Court decision seen by Forum 18. "The court session passed with violations of the laws," a fellow Baptist who attended the hearing told Forum 18. "The judge openly stated that he knows well the judge of the first instance court and left his decision in force. It all shows that this case was opened against Pastor Hamid Shabanov with someone's order."

The 21 June decision cannot be challenged further. However, Pastor Shabanov and his fellow Baptists are preparing an appeal to the Constitutional Court in Baku about the original December 2016 punishment for exercising the right to freedom of religion or belief. "This will be a very long and hard process, because we will go against not only the police, but the judges of the first instance court and the appeal court," a fellow Baptist told Forum 18.

"Pastor Hamid's rights and those of his community have been violated," Pastor Ilya Zenchenko, head of Azerbaijan's Baptist Union who also attended the Sheki Appeal Court hearing, told Forum 18 from Baku on 6 July. "All this is a violation of their rights under Article 48 of our Constitution, which guarantees freedom of religion, and Article 49, which guarantees freedom of assembly."

Pastor Zenchenko points out that the Aliabad congregation which Pastor Shabanov leads has existed for a quarter of a century, has sought state registration in vain since the mid-1990s and the authorities know that it has met in the same location for all those years. "The authorities know who they are."

Pastor 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).

The Aliabad Church wrote to the head of the State Committee, Mubariz Qurbanli, in January 2017 outlining their concerns about the November 2016 raid, the fine the following month and the continuing refusal to process their registration application. As they had received no reply they wrote again to him in June.

"We expect from you within the legally-determined timescale your agreement and guarantee of our possibility to meet once a week to express our religious and spiritual requirements: to jointly worship the Almighty and jointly study Holy Scripture," the Church told Qurbanli.

Goychay: Imam removed, punished - fined?

An Imam in the central Goychay District, Ruslan Mammadov, was removed from his role as Muslim Board approved Imam and punished for "illegal activity" and "organising a secret community", the APA news agency noted on 25 May.

Imam Mammadov had performed religious rituals at the mosque in the nearby village of Ikinchi Arabjabirli not according to the Muslim Board-dictated calendar. He was also accused of illegally creating a mosque in the village of Duruja in Qabala District. "He called it a mosque and acted illegally there," APA noted.

Following Mammadov's removal as Imam, the local authorities handed his case to the State Committee, which investigated his activity.

It appears Mammadov was then fined. Officials at Goychay District Court refused to tell Forum 18 on 6 July if it had heard a case against him. An official of Sheki Appeal Court told Forum 18 the same day that it had heard no appeal against any lower court punishment related to Mammadov's religious activity.

Azim Rafiyev, the State Committee representative with responsibility for Goychay District, refused to discuss Imam Mammadov's removal and punishment with Forum 18 on 6 July.

Baku: State Committee warning

Officials of the State Committee read in the media on 18 June that Shia Imam Ilgar Ibrahimoglu Allahverdiev had held a meeting in the Juma (Friday) Mosque in Baku's Old City on the third night of Laylat al-Qadr in the Muslim holy month of Ramadan. The State Committee immediately issued Imam Ibrahimoglu with a warning, according to a 19 June announcement on the State Committee website.

"I would like to note that Ilgar Ibrahimoglu has no legal connection with the Old City's Juma Mosque and the religious community operating there," the State Committee representative for Baku Anar Kazimov was quoted as declaring. He complained that Ibrahimoglu's conduct was "unacceptable and illegal".

"If Ilgar Ibrahimoglu continues such illegal actions," Kazimov warned, "he will answer before the law and the State Committee will take all necessary measures in connection with this."

The State Committee also called on Muslims not to take part in events organised outside mosques.

Officials forcibly expelled Imam Ibrahimoglu and the independent community he led from Baku's Juma Mosque in 2004. Officers beat community members and many were subsequently fined. The Muslim Board then installed its own community and named an imam, with the backing of the State Committee (see F18News 7 July 2004 http://www.forum18.org/archive.php?article_id=357). (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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