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AZERBAIJAN: Official refuses to say why Jehovah's Witness meeting "illegal"

By Felix Corley, Forum 18

Local religious affairs official Firdovsi Kerimov, who joined a 17 April police raid on a Jehovah's Witness meeting in a private home in Gyanja [Gäncä], has refused to explain to Forum 18 News Service why he believes the meeting was "illegal". Those at the meeting were taken to the police station and threatened with administrative fines if they repeat their "offence", while 200 Jehovah's Witness books were confiscated. Local police chief Sahib Ismailov told Forum 18 the meeting was illegal because the group is unregistered. "When officials claim religious communities can't meet without registration they don't know the law, as the law doesn't say this," Ilya Zenchenko of the Baptist Union told Forum 18. "Either that or they don't want to uphold the law."

Firdovsi Kerimov, the senior official of the State Committee for Work with Religious Organisations in Azerbaijan's second city Gyanja [Gäncä], has refused to explain to Forum 18 News Service why a Jehovah's Witness meeting in the city on 17 April was "illegal" as he had claimed to the local media and why the meeting was raided and religious literature confiscated. "I don't know who you are, so I am not going to discuss this case," he told Forum 18 on 25 April. "You have to submit any questions in writing." He declined to say if any of the Jehovah's Witnesses detained at the meeting are still facing any charges under the country's code of administrative offences.

On 25 April Forum 18 sent a written enquiry to Azerbaijan's human rights commissioner or ombudsperson, Elmira Suleymanova, asking why officials were making unlawful demands of religious communities and what she as the country's leading human rights defender is doing to protect the rights of citizens to profess their faith freely together with their fellow-believers and to spread their religious views. Forum 18 is awaiting her response.

Sahib Ismailov, police chief of the Kapaz district of Gyanja where the raid took place, insisted that because the Jehovah's Witnesses have not received registration their activity is illegal. "As soon as they register with the local branch of the state religious committee they can meet," he told Forum 18 from Gyanja on 25 April. "Their meeting was not raided – it was merely a check-up." He refused to say what further steps are being taken against the Jehovah's Witnesses.

Asked why he believes religious communities need registration when the country's religion law and other regulations do not require it (and indeed such a demand would violate Azerbaijan's international human rights commitments) Ismailov refused to comment, referring all such questions to Kerimov who, he said, had been present during the raid. Asked whether Kerimov had ordered the police to raid the private house, Ismailov refused to answer any further questions and put the phone down.

The Jehovah's Witnesses in Azerbaijan have declined to discuss the raid with Forum 18, but the pro-government private television station ANS (Azerbaijan News Service) reported on 20 April that at the time of the police raid on a private home in Gyanja's Kapaz district, 43 people, among them 16 children, were meeting under the leadership of Saladdin Mammadov. ANS insisted those present were engaged in "illegal activities in violation of the law on freedom of religion". It quoted Kerimov as declaring that, like the activity of some "non-traditional" Christian groups, the activity of the Jehovah's Witnesses is "especially damaging to the state and the nation".

Kerimov complained that the Jehovah's Witness community did not have state registration (their only registered congregation is in the capital Baku). "They produced no document regarding their registration," he told ANS. He also complained that many children under the age of 16 were present. "There should have been a document for each child that both parents agree [to their attendance]. None of them had the document."

Those present were detained under Article 299 of the Administrative Code (which punishes religious believers who infringe the regulations on the creation and functioning of religious associations with fines of up to 15 times the minimum monthly wage) and taken to Kapaz district police station "for the verification of their identities". Kerimov told ANS the Jehovah's Witnesses had violated Part 5 of Article 1 of the religion law, though this provision guarantees parents the right to bring up their children in the faith of their choice.

"The police confiscated from the sect members around 200 books which had not undergone state registration," ANS reported, referring to the compulsory prior approval of all religious literature demanded by the State Committee. "The members of the sect were warned and released. The police department said that should the incident be repeated, a lawsuit will be brought against the sect members."

Although Azerbaijani law requires parental permission before children can be involved in religious activity, no law requires such permission to be given in advance in writing. Many religious communities require their members to sign such statements but, as they told Forum 18, do so as a way to protect themselves as far as possible from state harassment.

Defending the Jehovah's Witnesses' right to meet freely without harassment was Ilya Zenchenko, head of Azerbaijan's Baptist Union. "When officials claim religious communities can't meet without registration they don't know the law, as the law doesn't say this," he told Forum 18 from Baku on 26 April. "Either that or they don't want to uphold the law." He also challenged official assertions that parents need to provide permission for their children to attend religious events in advance in writing. "There's no such provision in the law that requires such permission in writing."

Ilgar Ibrahimoglu Allahverdiev, imam of the Juma mosque who was expelled from it with his community and was given a suspended prison sentence in 2004 (see F18News 12 April 2005 http://www.forum18.org/Archive.php?article_id=541), told Forum 18 on 26 April that the Jehovah's Witnesses had not appealed to his Devamm religious freedom group so he did not know the details of the case. However, he attributed such raids on religious communities and violations of their rights as a sign of the country's lack of democracy. "Our constitution guarantees the right to freedom of assembly and freedom of religion, but this is not observed," he declared. "When there is democracy here, human rights will be observed."

The office in Baku of the Organisation for Security and Cooperation in Europe (OSCE) told Forum 18 on 25 April that it "is following the events closely and is in contact with the responsible government agencies". It stressed that Azerbaijan is subject to the same OSCE commitments to human rights and religious freedom as other member states.

The OSCE office rejected official claims that because the Jehovah's Witness community in Gyanja does not have registration its meeting in a private home was "illegal". "Under the Concluding Document of Vienna of 1989 the participating States are obliged to grant upon a request of a religious community, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries; and to respect the right of these religious communities to establish and maintain freely accessible places of worship or assembly," the OSCE office pointed out.

"Moreover, under the Moscow Document of 1991 the participating States are obliged to respect the right to the protection of domicile. The exercise of this right is only subject to restrictions as are prescribed by law and are consistent with internationally recognised human rights standards."

It also rejected official claims that the presence of children at the meeting was unlawful because parents had not signed written documents allowing their children to be present. "The protection of family life is stipulated in the Moscow Document of 1991. Restrictions must be prescribed by law and consistent with internationally recognised human rights standards," the OSCE office told Forum 18. "Therefore, the claim of the officials must already be considered unacceptable if there is not even a law requiring written permission by parents."

Police in Gyanja raided the city's Adventist church last November in retaliation for what the authorities claimed were "illegal" activities going on there and fined one Adventist leader (see F18News 22 November 2004 http://www.forum18.org/Archive.php?article_id=458). As with the raid on the Jehovah's Witnesses, ANS television was also present and insisted on filming children present despite their parents' requests to the TV crew not to film them. In July 2003 a Baptist congregation was raided by police as Kerimov complained it was functioning without registration (see F18News 23 July 2003 http://www.forum18.org/Archive.php?article_id=109).

Azerbaijani media often broadcast or publish attacks on religious minorities, who are permitted very little right of reply to false broadcast allegations. In its 20 April report on the latest raid, ANS claimed that the Jehovah's Witnesses had been "banned" in 2002. Although officials say they have warned the Jehovah's Witnesses about their activities, the group has not been banned. "Experts reckon that the views of the sect are detrimental to the state and society because the members of the sect are told that the notions such as motherland, nation and state are unimportant and that only the rules of Jehovah are correct," the station declared.

"The most damaging feature of the Jehovah's Witnesses' propaganda is that members of the sect are banned from handling weapons," ANS added, referring to the unresolved conflict with neighbouring Armenia over the Nagorno-Karabakh region.

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=92

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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