

Table of Contents

- ***Hijab ban for schoolgirls is controversial***
 - ***Azerbaijan police break up pro-hijab rally***
 - ***Harsher punishments for religious activity "a question of national security"?***
 - ***"A religiously tolerant country"?***
 - ***The religious factor in Azerbaijani parliamentary elections***
 - ***Nine month jail term for conscientious objector***
 - ***No re-registration, no building – no worship***
 - ***Azerbaijan fails to comply with European standard for conscientious objectors***
 - ***Azerbaijani authorities refused to register Evangelical communities under new "Law on Religion"***
 - ***Another mosque threatened, two others reprieved – for now?***
 - ***Azerbaijan stops mosque demolition after warning from Iranian cleric***
 - ***"Unpleasantness with the law" for worshipping?***
 - ***Citizens of Turkey illegally promoting religion in Azerbaijan detained***
 - ***Official denies "unprofessional work" over re-registration denials and delays***
 - ***"Distributing religious literature without state permission"***
 - ***Azerbaijan bans Koran, Islamic symbols in government offices***
 - ***Raids "as if we are terrorists" on Muslims***
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Hijab ban for schoolgirls is controversial

By Aytan Farhadova

17 December 2010

Institute for War and Peace Reporting (17.12.2010) / HRWF (18.12.2010) - <http://www.hrwf.net> - Azerbaijan's education ministry has banned schoolgirls from wearing headscarves to class, causing outrage among the more devout in this Muslim-majority country.

On December 10, a day after Education Minister Misir Mardanov announced that headscarves must not be worn with school uniform, hundreds of parents and children staged a protest near the ministry.

One of the demonstrators, Leyla Kerimova, a 27-year-old housewife, said, "My daughter is in year one. She voluntarily wears hijab in class. All our family are believers. My daughter hasn't been thrown out of the class yet – they've given her till the end of December."

Kerimova complained that her daughter was effectively facing exclusion for no good reason.

"If the minister doesn't change his decision, I will have to move her from a state school to a private one, although I don't know if I'll be able to afford it," she said. "I want my daughter to continue her studies at her own school, with her friends. She isn't ill, and she is no different to the other children. Why does she have to be isolated from her peers?"

Police dispersed the crowd soon after the protest began, detaining 16 people.

Education officials said they would not backtrack on the policy, and alleged that neighbouring Iran was deliberately exploiting the hijab issue to stir up anti-government feeling.

Mardanov told journalists after the protest that he was simply upholding the law, and was not violating anyone's rights.

"The laws of the land clearly state that you have to go to school in uniform, and that all other forms of clothing are unacceptable," he told the APA news agency.

This view was disputed by legal experts.

Alasgar Mammadli, a lawyer with the international group IREX, argued that if one person wore hijab, it did not violate anyone else's rights. "There can therefore be no legal basis to ban the wearing of hijab," he concluded. "Neither the constitution nor the education law contains a specific ban. A ban on hijab in the schools is thus... a breach of article 71 of the Azerbaijani constitution, which states that you cannot restrict human rights or civil rights that are guaranteed by the constitution."

Officials countered that the relevant legal provisions were those applying to school uniform, not hijab.

"The education system has never opposed hijab," Zamina Aliqizi, spokeswoman for the Baku city government's education department, said. "Believers go and study unhindered at universities all over the country. But the law does ban attending school in hijab. First, there is a law clearly stating that all children must go to school in the standard uniform. And secondly, schoolchildren are minors. When they grow up, they can decide for themselves whether to wear hijab."

This is not the first time the hijab issue has arisen in Azerbaijan. In 2007, a girl in the town of Sumgait was excluded from school for a week, but she was re-admitted after protests were held.

This time, the government seems intent on seeing the policy through. The minister, Mardanov, even suggested it was a matter of national security, and linked the hijab issue to efforts to undermine Azerbaijan from outside the country. He did not mention Iran by name, but the reference was clear enough.

"I think the protest outside the education ministry over the ban on wearing hijab was planned by specific unfriendly forces, both domestic and external," he told APA.

Aliyar Safarli, a former ambassador in Tehran, said the Iranians were always trying working to expand their influence in Azerbaijan.

"I think the minister is right to introduce restrictions on wearing hijab in schools. Schoolchildren should not differ significantly from each other, since that will harm their

education. After school, they are free to join any faith, and to wear the attributes of that faith," he said.

"Iran is trying to use Islam to increase its influence in Azerbaijan, and does not miss a single chance to do so. I fully convinced that Iran is stirring up this problem and provoking people into going on protests about the hijab ban."

Islamic scholars pleaded with officials to be more flexible towards people trying to observe the requirements of their faith.

Elshad Miri, an expert on Islam who runs an Islamic website called www.islam.com.az, said girls were required to wear hijab on attaining maturity, which Islamic law set at a lower age than that prescribed by the secular state.

"Believers are obliged to get an education regardless of such bans, even if it has to be at home," he said. "The state must make concessions to these children, who are to be forced to leave the state schools for wearing hijab. Maybe they could set up a special commission to test those children who decide to continue their education at home or in private schools."

Azerbaijan police break up pro-hijab rally

Democraticinstitutions.org (11.12.2010) / HRWF (16.12.2010) – www.hrwf.net - Police in the Azerbaijani capital Baku have broken up a demonstration for the right to wear Islamic heads scarves in schools.

Hundreds of people took part in the protest outside the Education Ministry, a turnout analysts say is high in tightly controlled secular Azerbaijan.

Police say twelve 12 demonstrators were arrested.

The demonstration was called after Azerbaijan's Education Minister Misir Mardanov said girls should comply with official rules on school uniforms, which forbid the wearing of the hijab.

Harsher punishments for religious activity "a question of national security"?

By Felix Corley,

Forum 18 (10.12.2010) / HRWF (11.12.2010) - <http://www.hrwf.net> - A year and a half after Azerbaijan increased penalties for religious activity under the Criminal and Administrative Codes, parliamentary deputies are about to consider yet further harsher penalties in proposed amendments to the Code of Administrative Offences. Minimum fines for individuals violating the Religion Law – such as by holding unregistered religious worship - could be increased 15-fold, Forum 18 News Service has learnt. "This is connected with religious communities which have failed to gain re-registration but still function," Rabiya Aslanova, chair of parliament's Human Rights Committee, told Forum 18 from the capital Baku on 9 December. "It's so that they realise the responsibility for their actions. People are not fined just for praying to God. This is a question of national security."

Similarly defending the proposed harshening of punishments is Ali Huseynov, chair of parliament's Legal Policy and State Building Committee. "We are merely increasing penalties so that they are in line with penalties for other offences in the Code of Administrative Offences," he told Forum 18 from Baku on 10 December.

Huseynov claimed that all Council of Europe countries have laws punishing illegal religious activity. Told that no other Council of Europe country punishes distributing religious books which do not have prior approval from the Government or punishes those who sell religious books at a location not given specific approval for this by the Government, he insisted that they do. He was unable to name any such country.

Jehovah's Witness Nina Gridneva, a 63-year-old pensioner, was fined 200 Manats (1,460 Norwegian Kroner, 179 Euros or 250 US Dollars) by a Baku court on 19 October under Article 300.0.2 of the Code of Administrative Offences for distributing religious literature which had not been approved for import or distribution by the government. Huseynov laughed at this example of a prosecution for this offence: "Well, if she does not agree with the punishment she can appeal," he told Forum 18.

Huseynov said that parliament would not be seeking expert assistance in reviewing the proposed amendments from the Venice Commission of the Council of Europe or the Organisation for Security and Co-operation in Europe (OSCE), as for example Armenia has done on its proposed legal amendments on religion. "Why should we?" he asked. "We have our own experts."

The proposed amendments were approved on 8 December at a joint meeting of the Milli Mejlis (parliament) Legal Policy and State Building Committee and the Human Rights Committee, the parliament website noted. The amendments are now ready to go to a plenary session, which one official of the Human Rights Committee told Forum 18 is likely to be in late December.

Officials told Forum 18 that penalties are set to be increased under Administrative Code Article 299, which punishes those who violate the procedure for creating or running religious organisations. However, Forum 18 has been unable to obtain the text of the proposed amendments and has been unable to establish whether Article 300, which punishes "illegal" distribution of religious literature as well as spreading of one's faith by foreigners, will be amended also.

Huseynov told the 8 December meeting in parliament that fines for religious offences would be increased to 1,500 – 2,000 Manats (11,259 – 15,013 Norwegian Kroner, 1,418 – 1,890 Euros or 1,879 – 2,505 US Dollars) for individuals, a 15-fold increase in the minimum fine. For officials, fines would rise to 7,000 – 8,000 Manats, a 35-fold increase in the minimum.

Concern

The proposed increases in penalties have aroused concern among human rights defenders and religious communities which are regularly penalised under the Code of Administrative Offences for religious activity – such as for holding unregistered worship or other religious meetings, or sharing their faith.

Among religious leaders expressing concern is Ilgar Ibrahimoglu, head of the Muslim rights group Devamm. "This is a serious violation of human rights, including of believers," he told Forum 18 from Baku on 10 December. He regards it as a continuation of government "repression" of religious believers seen in the 2009 Religion Law, Criminal Code and Administrative Code amendments. "All these violate Azerbaijan's international human rights commitments and its own Constitution."

Equally concerned is Pastor Rasim Hasanov, who leads the Baku-based Temple of the Lord Church, an Assemblies of God Pentecostal congregation. His church has been seeking legal status in vain for five years.

"On one side they refuse us registration, then on the other they want to fine us for anything we do," Hasanov told Forum 18 from Baku on 10 December. "It's not fair and not right. With these increased punishments it will be very bad for us."

Similarly, a reader of the works of the late Turkish Muslim theologian Said Nursi says that "we will suffer even more" if these increased fines are approved in parliament – "and so will others". Asking for anonymity for fear of further state reprisals, he complained that courts already fine his people for meeting in private homes to read Nursi's works. "All sensible people are against these fines," he told Forum 18 on 10 December. He said religious observance is rising and "officials want to stop it".

Nursi readers are not only fined, but frequently given prison terms of up to 15 days under the Code of Administrative Offences. However, four readers were held for three days in May in the cellars of the National Security Ministry (NSM) secret police in Nakhichevan [Naxçıvan] city without any trial taking place.

Latest moves to restrict religious activity

Azerbaijan's repressive new Religion Law, and amendments to both the Criminal Code and the Administrative Code came into force on 31 May 2009. New "offences" - such as more severe censorship - and new punishments were introduced for religious activities and organisations the government does not like.

All registered religious organisations had to re-register by 1 January 2010, the third time re-registration had been demanded in less than twenty years. It was implied that unregistered organisations are illegal, and stated that "all religious organisations" can act only after gaining state registration. Within weeks of these amendments, further amendments to the Religion Law introduced special restrictions on who can lead prayers in mosques.

Despite the 1 January 2010 deadline, the State Committee for Work with Religious Organisations had re-registered very few communities by then. The State Committee slowly re-registered some religious communities during the rest of 2010, with a further 30 communities – all Muslim – on 8 December, bringing the total to 510.

However, the State Committee also rejected many applications. The list of 510 registered communities, posted on the State Committee website, reveals the difficulty of gaining re-registration. Conspicuous by their absence are Azerbaijan's only Catholic Church, which is in Baku, as well as almost all Protestant churches, including all the Baptist and Seventh-day Adventist congregations. Among Protestant churches, only Baku's Erlösergemeinde Lutheran community, three Molokan communities in Baku, Sumgait and Hilmilli, as well as New Life Church in Baku have been re-registered. Also absent are Jehovah's Witnesses and a number of Sunni Muslim mosques closed by the authorities in recent years.

Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, condemned the re-registration requirement in June as "superfluous" and described the process as "cumbersome".

2009 Administrative Code changes

The latest proposed amendments increase significantly the proposed punishments in the 2009 amendments to the Code, which increased penalties for existing "offences" and introduced a series of new "offences". The 2009 version remains in force today.

Article 299, which punishes those who violate the procedure for creating or running religious organisations, had two new "offences" added.

Article 299.0.4 punishes religious activity at an address other than a religious organisation's registered address.

Article 299.0.5 punishes activity by a religious organisation that is not in accordance with its statute.

The punishment for all "offences" under this article – previously 10 to 15 times the minimum monthly wage for individuals and 40 to 70 times for officials – is now between 100 and 300 Manats (790 - 2,360 Norwegian Kroner, 90 - 260 Euros, or 125 - 375 US Dollars) for individuals and 200 to 500 Manats (1,580 - 3,945 Norwegian Kroner, 180 - 440 Euros, or 250 - 620 US Dollars) for officials.

Article 300, which previously punished "religious propaganda" by foreigners or people without citizenship, had three "offences" added.

Article 300.0.1 punishes producing, importing or exporting religious literature without permission from the State Committee.

Article 300.0.2 punishes circulating religious literature without such permission.

Article 300.0.3 punishes selling literature in places not approved by the State Committee for sale of religious literature. Those found guilty will have such literature confiscated.

All "offences" under this article are punished by fines on individuals, whether local citizens or foreigners, of 200 to 400 Manats (1,580 - 3,155 Norwegian Kroner, 180 - 350 Euros, or 250 - 500 US Dollars). "Offences" by officials attract a fine of 400 to 600 Manats (3,155 - 4,735 Norwegian Kroner, 350 - 525 Euros, or 500 - 745 US Dollars) and by organisations 2,000 to 4,000 Manats (15,800 - 31,550 Norwegian Kroner, 1,800 - 3,500 Euros, or 2,500 - 5,000 US Dollars).

Foreigners involved in "religious propaganda" – as in the previous version of the Article – can also be deported.

Officials defend increased punishments

Aslanova, head of Parliament's Human Rights Committee, insisted to Forum 18 that it is right to increase penalties for those who break the Religion Law. "I spoke in favour of these amendments." She complained that those fined under the current Code for example for distributing unapproved religious literature "pay the fine and just carry on". She rejected suggestions that those who will suffer are the many religious communities have arbitrarily been denied registration by the State Committee for Work with Religious Organisations or by officials – such as state notaries – who refuse to process applications to allow them to reach the State Committee. "If any community prepares documents in accordance with the law, there is no reason for them not to get registration," Aslanova claimed.

Declining to talk to Forum 18 on 10 December were officials at the State Committee. However, the local Trend news agency quoted an unnamed State Committee official on 9 December as welcoming the amendments, saying that the increase in punishments "will facilitate an even greater improvement in the religious situation in the country".

"A religiously tolerant country"?

By Felix Corley

Forum 18 (01.11.2010) / HRWF (09.11.2010) - <http://www.hrwf.net> - Police in the northern Azerbaijani town of Kusar [Qusar] raided a Baptist Harvest Festival being celebrated yesterday (31 October) in a private home and arrested four participants, Baptists have told Forum 18 News Service. The home owner, Ilgar Mamedov, and three others – Zalib Ibrahimov, Rauf Gurbanov and Akif Babaev - were given five-day prison terms at a late-night closed court hearing. "This morning one brother went to the police station to find out how the brothers were. He was told there will be another trial in five days' time," Baptists told Forum 18 on 1 November. "And they're threatening to give Zalib Ibrahimov a 12-year prison sentence." In a separate case, a court in the capital Baku has handed down a large fine on a Jehovah's Witness to punish her for offering religious literature on the streets.

The four Baptists belong to the Council of Churches, whose congregations refuse on principle to register with the authorities in any of the former Soviet states where they operate.

The raid

Around 80 Baptists – including guests from Baku and Sumgait - had gathered on Sunday 31 October for the Harvest Festival in Mamedov's home in Kusar, where the Baptist church meets, when police raided. Police first turned off the gas and electricity to prevent church members from preparing a festive meal. Police Lieutenant Mamedshah Hasanaliyev then recorded the names of all those present. "Police officers were present throughout the service, photographing and filming those present," Baptists complained to Forum 18. "The brothers and sisters had gathered to thank God for the harvest."

At about noon, police took the four men - Mamedov (the home owner), Babaev (who is from a nearby village), Gurbanov (who is from Sumgait) and Ibrahimov (who is from Baku) – to Kusar Police Station. About seven hours later, the four were "secretly" taken to Kusar's Court, where they were tried on charges of insulting people, Baptists complained. "The court hearing was closed – not even their close relatives were allowed in." They say the only witness to the hearing was one local woman. "The police used her testimony."

Church members maintained a vigil on Sunday afternoon and evening outside Kusar Police Station and the Court, only seeing the men briefly at 11 pm as they were returned from the Court to the Police Station.

"It happens"

The duty officers at Kusar Police Station initially declined to explain to Forum 18 late on 31 October why they had raided the Baptist service, and why the four had been imprisoned. Eventually one officer – who did not give his name – told Forum 18 that a complaint had come in that the four had "insulted" people. The officer refused to give any further details, insisting that the court had issued the punishments, not the police. The officer insisted to Forum 18 that there was nothing unusual about a late Sunday evening court hearing, claiming that "it happens".

The officer refused to say why the police had raided the service and why, if a complaint had come in about one or more individuals, officers had taken the names of all those present, cut off the gas and electricity supply and filmed the service.

The telephone of Eynulla Nurullaev, the official of the State Committee for Work with Religious Organisations in the northern town of Quba responsible for religious affairs in northern Azerbaijan, went unanswered each time Forum 18 called on 1 November.

"We have never had such heavy penalties"

"We have never had such heavy penalties on our members in Azerbaijan," one Council of Churches Baptist told Forum 18. The Baptist said that the most recent serious state harassment they faced was in July 2009, when the authorities broke up the children's Christian summer camp they had planned to hold in the village of Avaran near Kusar.

This had been due to be held next to land owned by Ilgar Mamedov, but police closed the camp, kicked one of the participants in the stomach in the presence of children and confiscated Christian literature. Mamedov was subsequently given a small fine in his absence, but refused to pay.

But the Baptist also pointed to prison sentences handed down on pastors Zaur Balaev (imprisoned from May 2007 to March 2008) and Hamid Shabanov (imprisoned from June 2008 to February 2009) of a Baptist Union congregation in the town of Aliabad in the north-western region of Zakatala [Zaqatala]. This congregation has been seeking state registration in vain for many years.

A religious prisoner of conscience currently in jail is Jehovah's Witness Farid Mammedov, sentenced to nine months' imprisonment for refusing compulsory military service. He began his sentence on 8 September when his appeal was rejected.

Readers of the works of the Muslim theologian Said Nursi are frequently given prison terms of up to 15 days under the Code of Administrative Offences. However, in the most recent known case, four readers were held for three days from 11 May in the cellars of the National Security Ministry (NSM) secret police in Nakhichevan [Naxçıvan] city without any trial taking place.

Fined for offering religious literature

Jehovah's Witness Nina Gridneva, a 63-year-old pensioner, was found guilty by a Baku court on 19 October of distributing religious literature which had not been approved for import or distribution by the government under Article 300.0.2 of the Code of Administrative Offences. Judge Fuad Huseynov of Sabail District Court fined her 200 Manats (1,460 Norwegian Kroner, 179 Euros or 250 US Dollars).

Article 300.0.2 was included in the Code of Administrative Offences in 2009 amid harsh new revisions to the Religion Law and a package of new "offences" introduced into the Criminal and Administrative Codes.

Gridneva lodged an appeal against the sentence to Baku Appeal Court on 29 October, Jehovah's Witnesses told Forum 18. No date has yet been set for the appeal to be heard.

Police detained Gridneva together with another woman accompanying her on the morning of 24 September, after she gave a copy of the Jehovah's Witness magazine "The Watchtower" to a woman in a park near the seafront in Baku. Shortly afterwards, a man approached Gridneva saying what she had done was illegal. Within a few minutes, several uniformed police officers arrived and took Gridneva and her friend to Sabail

District Police Station No. 9, where the two were held and interrogated for nearly 11 hours.

The police confiscated all Gridneva's literature, except for her personal copy of the Bible. One book seized was a copy of "What Does the Bible Really Teach?" which, Jehovah's Witnesses told Forum 18, she had not given to anyone. "It was her personal copy with her name inside and full of her personal notes."

In 2005 and 2006, the State Committee gave permission for a total of 4,700 copies of "What Does the Bible Really Teach?" to be imported, but since then has refused its import. It operates the system of prior compulsory censorship of all religious literature published in Azerbaijan or imported into the country. "Distributing religious literature without state permission" often attracts state hostility and fines.

Book "never approved"

A police officer told the Jehovah's Witnesses the police had received a letter from the State Committee saying that "What Does the Bible Really Teach?" was never approved, it is only for use within the community (not for distribution), and the park where the two Jehovah's Witnesses were walking is not the Religious Community's legal address and religious activity is forbidden outside the legal address.

Initially, Gridneva was charged with selling religious literature outside an approved point of sale, an "offence" under Article 300.0.3 of the Administrative Code. The charges were later changed. In early October, Judge Huseynov refused to try Gridneva and her friend, sending the cases back for further investigation. Charges against Gridneva's friend were later dropped.

Jehovah's Witnesses told Forum 18 that the Sabail Court verdict revealed that Gridneva was being punished not for giving away a copy of "The Watchtower", but for having a copy of "What Does the Bible Really Teach?" in her bag which, they pointed out, had been obtained with State Committee permission.

"In Gridneva's case, the court reasoned that because a copy of the book was in her possession while she was distributing other religious literature, it was 'completely proven' she was guilty of an administrative violation," Jehovah's Witnesses complained to Forum 18. "The conviction of Gridneva is the latest effort in what appears to be an organised campaign to eradicate from the Azerbaijan Republic all copies of the book 'What Does the Bible Really Teach?'."

The duty officer at Sabail District Police Station No. 9 refused to discuss with Forum 18 on 1 November why the two Jehovah's Witnesses had been detained and why one of them had subsequently been prosecuted. He referred Forum 18 to Sabail District police chief, but his telephone went unanswered when Forum 18 called.

Salih Aslanov of the State Committee for Work with Religious Organisations in Baku told Forum 18 on 1 November he was not familiar with the imprisonment of the four Baptists in Kusar, or the fine imposed on the Jehovah's Witness in Baku. However, he said he would investigate and respond to Forum 18's written questions.

Re-registration denials

While Council of Churches Baptist congregations do not seek state registration, Baptist Union congregations and the Jehovah's Witness community are among many which have been denied state re-registration by the State Committee in the compulsory round of re-registration mandated by the 2009 amendments to the Religion Law.

The re-registration process was supposed to have been concluded by the deadline of the end of 2009. Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, condemned the re-registration requirement in June as "superfluous" and described the process as "cumbersome".

Azerbaijan also imposes repeated barriers on even registered Muslim and Christian communities from regaining or using their places of worship.

However, as of 1 November, the State Committee recorded on its website only 480 religious communities which have succeeded in gaining registration. All the latest batch of 30 re-registered in mid-September were Muslim.

Conspicuous by their absence from the list of registered communities are Azerbaijan's only Catholic Church, which is in Baku, as well as almost all Protestant churches. Among Protestant churches, only Baku's Erlösergemeinde Lutheran community, three Molokan communities in Baku, Sumgait and Hilmilli, as well as New Life Church in Baku have been re-registered.

"Azerbaijan is a religiously tolerant country"

Despite this, Aslanov of the State Committee insisted to Forum 18 that the process is continuing. Asked why so many communities have had their applications rejected, have faced repeated demands to amend their documents or have received no response, Aslanov responded: "Maybe their documents were not in order or contained inadequacies."

Asked why the Aliabad Baptist congregation has been unable to gain registration at all, despite applications dating back 15 years, Aslanov laughed, but declined to comment.

Told that many religious communities who have had their applications rejected believe that his Committee's officials are not neutral in the way they consider applications, Aslanov responded: "It's not true we like or dislike individual communities. We don't have such phobias."

"Even our enemies admit that Azerbaijan is a religiously tolerant country", he claimed.

The religious factor in Azerbaijani parliamentary elections

By Alman Mir Ismail

Eurasia Daily Monitor (27.10.2010) / HRWF (28.10.2010) - <http://www.hrwf.net> - As Azerbaijan prepares for its next parliamentary elections, scheduled for November 7, many local and international observers are noting the growing role of religion in single-mandate races. A total of 1,412 persons have attempted to register to compete for 125 seats in the highest legislative body of the country, the Milli Majlis. Among these, only 719 are registered while others have been refused registration by election commissions either due to improper documentation or by dropping out of the election entirely.

Although Azerbaijan prides itself on being a secular country where religion and politics are separate, candidates increasingly use religious rhetoric to gain voters' sympathy and support. In a live TV debate, candidates from one constituency have started arguing over whom the local religious wise man had supported, pointing out to the various pictures taken and telephone conversations held with him. It was obvious that the support of this local clergyman could be a deciding factor in that particular district (Azerbaijan Public TV,

October 18). Candidates from another district, located in the center of Baku, have also appealed to religious rhetoric, with one candidate pointing out that he has translated the Koran and another candidate calling her voters "religious people" thus promising them justice and honesty. A candidate from Barda district has even openly accused his opponent, the current Member of Parliament (MP), Zahid Oruc, of being an "infidel," thus trying to discredit him in the eyes of voters (Azertaj News Agency, October 15).

For an outside observer, Azerbaijan may still seem like much more of a modern country than its more religious neighbors, like Iran, the Russian region of Chechnya or even Turkey. The population, particularly in capital city of Baku, prefers to dress in modern European clothes and follow civil laws as opposed to religious laws. Yet, the surveys and sociological polls in the past few years indicate that a growing number of people, who pray, attend Mosques, observe feasts, and visit Mecca, prefer to live by Islamic norms and laws. This is more the case with young people.

Two young, western educated candidates in the current elections have also pointed out in a private conversation, the growing role of Islam in these elections. They say people have become more religious while many religious organizations and informal institutions have appeared which care take of people and provide welfare services to them. "They are filling the gap which exists due to the inefficient delivery of services by the state," explained one of the candidates.

Indeed, many analysts and pundits believe that the growing popularity of religion in the country should be attributed to the dissatisfaction among the people caused by the slow delivery of social services in the country. Others point out to the vacuum that exists in the ideological sphere since the collapse of the communism. Democracy and nationalism were popular in 1990's, but have been discredited by various politicians. For many young people, Islam is the only remaining pure form of just governance in which they believe.

Azerbaijan's economy has been rising drastically in the past decade, positively affecting the lives of millions of people. Per capita income and GDP have been rising consistently while infrastructure development in the country has reached an unprecedented scale. Yet, the majority of people in rural areas still lack basic utilities and social services. This opens a wide range of opportunities for foreign religious missionaries from Iran, the Gulf States and the North Caucasus to promote Islam and gather young people into their sects (www.day.az, October 20).

Islam's role in the political life of the country today differs significantly from that of 1990's, when Islamic parties were established and attempted to openly compete in elections. At that time, the government took decisive measures to break them up and arrest those politicians, who attempted to use religion for political purposes. Today, religion seems to be coming more from the grassroots level, thus pushing the secular politicians to speak with voters in "their language".

It is unlikely that Azerbaijan will face a religious revolution similar to Iran in 1979. Most of the society and political elite is still committed to the secular nature of the state. Radical Islamic forces are a tiny minority in the country and the majority of believers prefer a soft, non-violent form of Islam. Yet, the growing popularity of Islam might change the nature of Azerbaijani politics in the medium and long-term. Islam could either have a spillover effect from society into politics like it did in Turkey in the past several years under the rule of AKP, or may cause a more violent transformation, similar to Iran. The fact that candidates in the current parliamentary race have started to understand the importance of the religious factor only further supports these trends.

Nine month jail term for conscientious objector

By Felix Corley

Forum 18 (15.09.2010) / HRWF (21.09.2010) - <http://www.hrwf.net> - Jehovah's Witness Farid Mammedov was arrested in the court room on 8 September, after the failure of his appeal against a prison term for refusing compulsory military service on religious grounds, Forum 18 News Service has learnt. Mammedov was taken to Baku Investigation Prison in Kurdekhani, from where he will be assigned to a prison camp to serve a nine month prison sentence, human rights defender Eldar Zeynalov told Forum 18 from the Azerbaijani capital Baku on 14 September. Mammedov intends to lodge a further appeal to the Supreme Court.

Mammedov's fellow Jehovah's Witnesses insist to Forum 18 that he is ready and willing to perform an alternative, civilian service, but this does not exist in Azerbaijan. In defiance of its commitments to the Council of Europe, Azerbaijan has still not halted its prosecution of conscientious objectors, or introduced a civilian alternative service for those who cannot perform compulsory service in the armed forces on conscientious grounds.

Adil Gadjiev of the office of the Human Rights Ombudsperson Elmira Suleymanova told Forum 18 that he no longer handles cases of conscientious objectors, referring Forum 18 to the Ombudsperson's Office department that handles military issues. However, an aide there told Forum 18 on 15 September that the department head Fazail Mammedov was out of the office and no one else could say how many conscientious objectors might have applied for help to the Ombudsperson in recent years and what help the Office might have offered. Forum 18 submitted the questions in writing and is waiting for a response.

Both Gadjiev and the aide declined to discuss with Forum 18 the prosecution of Farid Mammedov.

Azerbaijan's Council of Europe commitment

Among Azerbaijan's commitments to the Council of Europe ahead of its accession in January 2001 was a commitment "to adopt, within two years of accession, a law on alternative service in compliance with European standards and, in the meantime, to pardon all conscientious objectors presently serving prison terms or serving in disciplinary battalions, allowing them instead to choose (when the law on alternative service has come into force) to perform non-armed military service or alternative civilian service".

Paragraph 14 of Opinion No. 222 of the Parliamentary Assembly of the Council of Europe, adopted on 28 June 2000, cites letters from the then Azerbaijani President Heydar Aliiev, Prime Minister Artur Rasizade, and other leading national officials, in which Azerbaijan itself takes responsibility for bringing into force within two years of accession an alternative civilian service law, compliant with European standards. The letters also commit Azerbaijan to stop imprisoning conscientious objectors before a civilian alternative service is introduced.

Article 76 of Azerbaijan's Constitution provides that "if beliefs of citizens come into conflict with service in the army then in some cases envisaged by legislation alternative service instead of regular army service is permitted". However, despite this Article and the country's Council of Europe commitments, no mechanism for an alternative to compulsory military service has been introduced. Refusal to perform military service in peacetime is punished under Article 321.1 of the Criminal Code with imprisonment of up to two years.

"Nothing real is happening" on Alternative Service Law

Talatum Guliev, deputy to Safa Mirzoev, chief of staff of the Milli Mejlis (parliament), readily admits that adopting an Alternative Service Law is among Azerbaijan's commitments to the Council of Europe. "Such a law is in the current parliamentary work plan," he told Forum 18 from Baku on 15 September. "It is in this year's plan, was in last year's plan – and the year before. But nothing real is happening." He declined to speculate on why parliament has not adopted such a law ten years after it took on itself the obligation to do so.

Likewise Ilgar Gurbanov, deputy head of the Department of Legislation and Legal Expertise at the powerful Presidential Administration, told Forum 18 on 15 September that despite "discussions" on the topic, "no draft law" is currently in his department. Asked whether Azerbaijan is sincere in its obligation to the Council of Europe to introduce an alternative service law, he told Forum 18: "Of course." Asked why it had not introduced such a law in the ten years since promising to do so, he responded: "I can't say."

Mirzoev – said within Azerbaijan to play an influential role in guiding parliament's work – stated in November 2009 that a draft Law on Alternative Service has been prepared, but will not be presented to the Milli Mejlis until "positive results" are achieved in talks over resolving the Azerbaijani-Armenian conflict over Nagorno-Karabakh. Mirzoev also claimed that the draft Law had been given a "positive" assessment by the Council of Europe. But as human rights defender Zeynalov – who has repeatedly called for civilian alternative service to be introduced – has noted, "they can claim that the Council of Europe's experts were positive, but no-one can check this".

Gadjiev told Forum 18 in September 2009 that the Ombudsperson's Office wrote to the Milli Mejlis in 2008 urging it to adopt an Alternative Service Law as soon as possible.

Nine months' imprisonment

The 22-year-old Farid Mammedov was found guilty on 16 July at Baku's Nasimi District Court under Criminal Code Article 321.1 and sentenced to nine months' imprisonment. "Interestingly, the trial court stated in its ruling that the prison sentence would not be enforced until the verdict is 'brought to execution'," Jehovah's Witnesses noted. This allowed Mammedov to remain free as he prepared for the Appeal Court hearing.

In the wake of the July court decision, Mammedov was optimistic that higher courts would overturn the decision and uphold his right to do a civilian alternative service in line with his religious beliefs. "I am not a criminal," he insisted.

However, on 8 September, the collegium chaired by Judge Mirpasha Huseynov upheld the nine-month sentence, the Baku Appeal Court website recorded.

Jehovah's Witnesses told Forum 18 that the 8 September appeal hearing was short and "completely ignored" the country's international human rights obligations, including under the European Convention on Human Rights and the International Covenant on Civil and Political Rights, both of which Azerbaijan has ratified.

"The prosecutor merely repeated the arguments made in the lower court that because no mechanism for alternative service exists, the constitutional right is irrelevant," a Jehovah's Witness present at the hearing told Forum 18 from Baku on 15 September.

On the afternoon of the hearing, only Mammedov's lawyer and a monitor from the Organisation for Security and Co-operation in Europe's (OSCE) Office in Baku – only after the monitor's identity was confirmed – were initially allowed in, the Jehovah's Witness

who was present told Forum 18. "Although the judge said the hearing was open, security guards prevented about 15 of Farid's friends and supporters entering the courtroom," he said. However, after the lawyer asked the judge to stop security guards from preventing access were Mammedov's supporters allowed in.

"No legal basis for the provision of deferment to call-up"?

Farid Mammedov has made no secret of his desire to perform civilian rather than military service. In 2006 he wrote to Ombudsperson Suleymanova to complain that the military commissariat of Baku's Nasimi District had refused to accept his request to perform alternative service, or to defer his call-up. After consulting the military commissariat, Suleymanova responded to him to say that "it is clear that you have no legal basis for the provision of deferment to call-up to urgent military service". She failed to tell him why he could not perform alternative service in line with the Constitution as he had requested.

Another appeal expected

Another Jehovah's Witness conscientious objector, Mushfiq Mammedov (no relation of Farid), was sentenced under the same Criminal Code Article in July 2006, when he was given a suspended six month prison term.

He was tried on the same charges again in October 2009, by which time he was aged 26. At the end of his second trial, taking account of the two months he had spent in pre-trial detention, the judge handed down a fine of 250 Manats (1,737 Norwegian Kroner, 206 Euros or 312 US Dollars).

In December 2009 Baku Appeal Court upheld the conviction, which Mushfiq Mammedov is now preparing to appeal to Azerbaijan's Supreme Court. Jehovah's Witnesses told Forum 18 that he paid the fine "under protest". "This was not an admission of guilt as he does not consider himself guilty of any offence and will be seeking reimbursement of the fine in his appeal."

Mushfiq Mammedov's second conviction on the same charge came despite the fact that Article 64 of Azerbaijan's Constitution and Article 8.2 of the Criminal Code do not allow criminal charges to be brought against someone twice for the same crime.

Mammedov argues that Azerbaijan's Constitution and the country's commitment to the Council of Europe require it to introduce a civilian alternative to compulsory military service.

Appeal to the European Court of Human Rights

Jehovah's Witness Samir Huseynov was sentenced for conscientious objection to ten months' imprisonment in October 2007 under Criminal Code Article 321.1. He was freed in May 2008.

Mushfiq Mammedov and Huseynov lodged a joint application (No. 14604/08) on 7 March 2008 to the European Court of Human Rights (ECtHR) in Strasbourg. No admissibility decision has yet been made on this.

No re-registration, no building – no worship

By Felix Corley

Forum 18 (01.09.2010) / HRWF (02.09.2010) - Website: <http://www.hrwf.net> - Without a worship building of its own and after rejection of its application for compulsory re-registration with the state as a religious community, Cathedral of Praise Protestant Church in the capital Baku has been unable to hold worship services since January, its pastor Rasim Halilov told Forum 18 News Service. The church has failed in its legal challenge to the re-registration denial and the State Committee for Work with Religious Organisations – which enacts the Azerbaijani government's harsh controls on all religious activity – has refused to allow it to rent premises for worship, including from other Christian churches.

The State Committee admitted on 16 August to having rejected on various pretexts the re-registration applications of 20 religious communities. Among them are mosques, Baptist, Seventh-day Adventist and Jehovah's Witness communities and the Baku International Fellowship (an English-language Protestant community largely made up of expatriates).

However, Forum 18 knows of only two – Cathedral of Praise and Baku's Jehovah's Witness community – which have tried to seek redress through the courts. Both failed at the court of Baku's Sabail District (where the State Committee is located), though both are appealing.

A far greater number of communities have seen their applications for re-registration or registration languish with no or little response. Such communities include many mosques, almost all the country's Protestant communities (only two have gained re-registration) and Baku's Catholic parish.

State Committee unapologetic

Despite often harsh criticism of them from religious communities (mostly made in private to avoid worsening their situation still further), officials of the State Committee are unapologetic about the way they operate.

Sabina Allahverdieva of the Committee's Legal and Registration Department rejected any suggestion that her Committee was at fault over the long delays and the denials of registration. However, she absolutely refused to discuss with Forum 18 on 1 September why such a low number of the country's religious communities which have applied for registration have been successful and why many have already received rejections.

"You're not a lawyer nor a religious community," she told Forum 18. She added that she "does not have the right" to give information by telephone and terminated the call.

State Committee officials have earlier denied to Forum 18 that their work on re-registering religious communities has been "unprofessional".

Worship ban for Cathedral of Praise

Among the hardest hit communities in the wake of the compulsory re-registration is Cathedral of Praise, which has long faced obstructions from the government.

The church was founded in 1994 but only managed to gain registration in 1999. Its Swedish pastor, Mats-Jan Söderberg, had his visa application denied in 2005 and was given two weeks to leave Azerbaijan. He was subsequently blacklisted from returning. In August 2008 the church lost the worship building it had bought and reconstructed after a complicated legal dispute. It remains unclear if the dispute was initiated to target the church for religious reasons.

After the loss of its worship building, the church met in a large tent it erected on church-owned land. However, this was destroyed in a fire late on 9 January 2010. Pastor Halilov told Forum 18 that police confirmed by chemical analysis that arson was the cause but have not identified any suspects. "Since the January 2010 fire our 1,500-strong church has not been able to meet for worship," Pastor Halilov complained.

In correspondence seen by Forum 18, the church wrote to Hidayat Orujev, chair of the State Committee, on 29 March informing him that it had agreed with Nehemiah Protestant Church in Baku to rent their building for worship and attaching the contract. However, Yusif Askarov, Head of the State Committee's Legal and Registration Department, wrote back declaring that under Article 12 of the Religion Law, religious communities are allowed to meet only at their registered legal address.

Challenges to re-registration denials fail

Cathedral of Praise lodged its re-registration application in late 2009. However, in a decision of which Forum 18 has seen the text, the State Committee rejected the application on 19 February 2010, though the church did not receive the rejection until 7 May. The State Committee argued that the church was not the same as the one given state registration in February 2002 as five of the "founders" had changed, with no information being given as to when and why they had been removed and when and how the new founders had been chosen. It said such changes had to be notified to the State Committee within 20 days.

Pastor Halilov insisted to Forum 18 that only three of the founders had changed, not five as the State Committee claimed, and that this was allowed under the regulations. He added that no published law mentions any requirement to explain to the State Committee why any founders have changed.

On behalf of the church, Pastor Halilov lodged a challenge to the State Committee's rejection to Sabail District Court. However on 30 July, in a verdict of which Forum 18 has seen the text, Judge Araz Huseynov rejected their challenge.

Pastor Halilov told Forum 18 that the church is lodging an appeal against the decision to Baku Appeal Court. He expects it to be about six weeks before this is heard. "We will take the case right to [the European Court of Human Rights in] Strasbourg if necessary," he pledged. He added that at the same time, the church had written to the State Committee asking it to reconsider the rejection, hoping that the impasse can be resolved without further court hearings.

Baku's Jehovah's Witness community lodged its re-registration application with the State Committee on 3 November 2009. However, this was rejected on 29 January 2010 (though the community only received it on 25 February as it was sent to the wrong address).

As with Cathedral of Praise, the State Committee questioned the changes to the founders and said no connection between the old and the new communities had been established. The Jehovah's Witness community provided the State Committee with information as to when and why the founders had changed, but Askarov of the State Committee again rejected the application on 5 March.

Subsequent meetings between Jehovah's Witness and State Committee representatives failed to resolve the problem, Jehovah's Witnesses told Forum 18, and two letters they sent to the State Committee in April went unanswered.

On 13 May, the community lodged a challenge to the State Committee rejection and demanded 10,000 Manats (76,924 Norwegian Kroner, 9,715 Euros or 12,452 US Dollars)

in compensation. Hearings under Judge Nuraddin Bagirov at Sabail District Court took place on 6 and 13 July, though no decision was issued then. However, on 16 July Judge Bagirov summoned the Jehovah's Witnesses to the court to tell them he was rejecting their challenge.

Jehovah's Witnesses told Forum 18 that they were "disappointed" by his decision, as he had earlier appeared to be sympathetic. The verdict issued later, seen by Forum 18, details the reasons for the decision. On 13 August, the community lodged an appeal with Baku Appeal Court.

Who has got re-registration?

The compulsory re-registration (the third since Azerbaijan gained independence in 1991) was mandated by the harsh revisions to the Religion Law which came into force in May 2009. The re-registration deadline was 1 January 2010. Article 12 of the revised Law implies that unregistered religious activity is illegal – in violation of Azerbaijan's international human rights commitments. Furthermore, Muslim communities can only get registration if they are part of the state-backed Caucasian Muslim Board.

However, the Religious Affairs Office in Nakhichevan - an exclave wedged between Armenia, Iran and Turkey which is an autonomous republic of Azerbaijan – insisted to Forum 18 in December 2009 that no re-registration requirement exists there.

On 1 September, exactly eight months after the re-registration deadline had passed, only 448 religious communities were listed on the State Committee website as having registration (534 were registered under the old Law).

Of the 448 registered communities, 431 were Muslim, 6 Jewish (Ashkenazi, Mountain Jewish and Georgian Jewish), 3 Molokan (an early Russian Christian community), 2 Georgian Orthodox, and one each of Russian Orthodox (the Baku and Caspian diocese, with 8 parishes in Azerbaijan), the Lutherans, New Life Protestant church, the Albanian-Udi community (a previously defunct Christian community recreated with government support in recent years), the Baha'is, and the Hare Krishna community.

The State Committee admitted on 16 August that some 400 applications are still being processed.

Can communities without registration still meet?

Communities denied re-registration or whose applications have languished unanswered are generally still able to meet for worship if they have their own place of worship, members of a variety of religious communities have told Forum 18.

Fr Vladimir Fekete, a Slovak priest who heads the Catholic Church in Azerbaijan, says that when he met State Committee chair Orujev in the summer, Orujev told him that although the Catholic Church has not yet been re-registered its parish in Baku can continue functioning. Orujev said that the issue of re-registration is being resolved between Azerbaijan's Foreign Ministry and the Holy See's nuncio to Azerbaijan, Archbishop Claudio Gugerotti.

Fr Fekete noted that while the old registration was for the Catholic Church in the whole of Azerbaijan, when it came to re-registration it had to lodge its application only for the Catholic parish in Baku.

Despite having its re-registration application rejected and failing to overturn this rejection in court, Baku's Jehovah's Witness community is still able to meet in its Kingdom Hall in the capital, Jehovah's Witnesses told Forum 18. They point out that legal

status persists until the State Committee goes to court to have it liquidated. "It has not done this," they told Forum 18.

However, a number of religious communities have faced threats from police officers or other officials that their activity is illegal and they will be shut down. Mubariz Gachaev, imam of the Sunni mosque in Mushfiqabad in Garadag District near Baku, told Forum 18 that the Caucasian Muslim Board still will not process its registration application and without this the State Committee will not register it.

"Police sometimes intervene, telling us that we have no registration certificate so we'll be closed down," Gachaev told Forum 18 on 31 August. He pointed to a village meeting the day before at which District Police Chief Intigam Mirsalaev had repeated the threat. However, the imam said prayers continue at the mosque.

Police visited Baku's Baptist church in March and told its leaders that without registration it should be closed down.

Among the religious communities which have never been able to gain registration since Azerbaijan gained its independence in 1991 is the Baptist congregation in the northern town of Aliabad. It too has faced repeated raids by local police and the earlier imprisonment of two of its pastors. Church members again faced threats of punishment in April.

Repeated difficulties over places of worship

The Azerbaijani authorities have repeatedly intervened to prevent religious communities they do not like from freely opening or maintaining places of worship. Adding to the restrictions, a new Council on Building, Reconstruction and Repair of Places of Worship began its work on 23 July as part of the State Committee. It now needs to give approval for all decisions on places of worship throughout the country.

A series of mosques – mostly Sunni – have been ordered closed in recent years, including the Abu Bekr mosque in Baku, closed after a grenade attack in August 2008.

Javanshir Suleymanov, lawyer for the Abu Bekr mosque, laments its continued enforced closure. "Only the imam, Gamet Suleymanov, can pray there with at maximum two other people," he told Forum 18 on 31 August. He says police patrols watch to ensure that the building is not used for community worship. "People who live opposite watch out on behalf of the police and call them if people try to gather there."

The lawyer added that the community has complained about the continuing enforced closure to the United Nations human rights mechanisms in Geneva.

Across Baku, the authorities have banned the community from meeting in the half-finished Fatima Zahra mosque. After large-scale protests in Azerbaijan and abroad against the proposed demolition of it, President Ilham Aliiev handed the community to the Muslim Board and promised that it would be completed and opened for worship.

"We would have liked to pray there during Ramadan," community leader Tofik Rasizade told Forum 18 on 31 August, referring to the Muslim holy month which runs in 2010 from mid-August to mid-September. "But we are not allowed to use it for prayers – people have to go here or there to other mosques."

Rasizade says he remains grateful to the president for overturning the demolition order. "The main thing was that it wasn't destroyed," he insisted to Forum 18. "But in the past it belonged to the people – they built it with their efforts and money. Now it's the

property of the Muslim Board." He said he did not know when building work would resume and when it will reopen for worship.

Buildings confiscated during the Soviet period have not been given back. In central Baku, these include a Baptist church built a century ago, a Baha'i site important to the early history of their faith and the synagogue which is now a music theatre.

Semyon Ikhilov, leader of the Mountain Jewish community, regrets the authorities' refusal to return the synagogue. "I know that the historical building will not be returned to us, however much I ask. I am already tired," he told Leyla Tagiyeva of the News.az website on 1 September. He lamented that "mine was a lone voice which was not heard by many people, especially by senior officials who could have responded."

Azerbaijan fails to comply with European standard for conscientious objectors

JW Official Website (02.08.2010) / HRWF (03.08.2010) - Website: <http://www.hrwf.net> - Although ready and willing to perform alternative civilian service that is not under military control, 22-year-old Farid Mammadov was convicted of evasion of military service by the Nisami District Court. On July 16, 2010, the Court sentenced Mammadov to nine months' imprisonment under Article 321.1 of the Criminal Code, even though he had the lawful ground to refuse on account of his conscientious objection to bearing weapons and joining the military.

The Constitution of the Azerbaijan Republic clearly makes this provision in Article 76.2: "If the beliefs of citizens conflict with actual military service, then, in cases provided by law, it is allowed that actual military service shall be replaced with alternative service." In addition, in paragraph 14 of Report No. 222, dated June 28, 2000, the Parliamentary Assembly of the Council of Europe cites a letter from the President of the Azerbaijan Republic, the Speaker of the parliament, and other leading national officials, in which Azerbaijan imposes upon itself the responsibility to bring into force within two years an alternative civilian service law compliant with European standards, and in the meantime not to imprison conscientious objectors. Now ten years later, and despite repeated admonitions from the Council of Europe to enact legislation that would allow conscientious objectors to exercise their right to alternative service under the Constitution and international human rights laws, the Azerbaijan Republic has failed to do so. Unfortunately, Azerbaijan continues to ignore its commitment to comply with "European standards."

Although disappointed with the trial court's verdict, Farid Mammadov maintains a positive outlook. He said: "I still have hope the higher courts in Azerbaijan will recognize my religious beliefs and agree that my request for alternative service is a reasonable one. I am not a criminal." Interestingly, the trial court stated in its ruling that the prison sentence will not be enforced until the verdict is "brought to execution," which means Farid Mammadov remains free while he prepares for the Baku Court of Appeal. The Azerbaijan Republic will thus have another opportunity to honor its legal commitment to the Council of Europe and pardon Farid Mammadov until such time as genuine alternative civilian service is enacted. Time will tell whether the country is willing to seize the opportunity.

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Azerbaijani authorities refused to register Evangelical communities under new "Law on Religion"

27 August 2010

By Maxim Vasyn

Institute of Religious Freedom (27.08.2010) / HRWF (30.05.2010) - Website: <http://www.hrwf.net> - Due to legislative innovations and ensuing bureaucratic obstacles many religious communities in Azerbaijan failed to re-register within the prescribed period before January 1, 2010. As a result, most of them have been banned from conducting any of the religious activities and threatened with liquidation the status of "juridical entity", said the Institute of Religious Freedom, Kyiv based on the documents obtained from city Baku.

According to the IRF, the official refusal to renew the registration in order to comply with the new edition of the Azerbaijani "Law on Religion" was issued to the "Nehemiah" Church, "Cathedral of Praise" Church in Baku as well as the Seventh Day Adventists, Baptist and Pentecostal Churches in Azerbaijan.

The biggest obstacle to religious freedom in Azerbaijan became the new procedure of state registration of religious communities. The amendments into the Law made it overly cumbersome and now it consists of more requirements to the founders, than ever before. From now on a religious community must submit a certificate of the date of its occurrence, information about religious education and relations toward secular education.

Moreover, it is prohibited for a religious community to use for its official registration a personal address of a believer. Legislative changes have also limited a congregation's activity to only the territory where it is officially registered.

However under Article 12 of the Azerbaijani "Law on Religion" religious communities can conduct their activities only at the legal address. Such a rule is often used by the State Committee of Azerbaijan on Relations with Religious Organizations to prohibit a church to perform its activity in leased premises. As a result, the religious communities which do not own premises for worship remained outside the law.

A striking example of infringement of religious freedom in Azerbaijan on the basis of the new "Law on Religion" is the situation with the "Cathedral of Praise" Evangelical Church in city Baku.

This religious community provided all the necessary documents for re-registration in time. However in May 2010 it received a copy of an official refusal adopted by the State Committee two months ago. Other Christian Protestant communities also faced similar situation.

The "Cathedral of Praise" Evangelical Church was the first one to object and file an appeal against the refusal of registration in the judiciary. However, representatives of the authorities referred to the formal inconsistency of information about the founders of the community with the data submitted during the initial registration in 2001. On the 30th of July to the utmost surprise of believers, their appeal was turned down. In spite of the

complete absence of the necessary documentary evidences the court supported the position of the authorities.

Following on January 2010 the place where the "Cathedral of Praise" Church in Baku worshiped was completely destroyed by fire.

Prior to this in the end of 2008, the building of the Protestant community which was purchased by the believers was confiscated. This happened without any compensation and as a result of a rather questionable trial in favor of the local oil refinery "Azerneftiyag".

The "Cathedral of Praise" Evangelical Church was founded in Baku in 1994 and currently has about 1000 members. At the same time according to official data the majority of Azerbaijan's population confesses Shia Islam along with its other developments.

In February 2010, the U.S. Commission on International Religious Freedom (USCIRF) noted the deteriorating situation in Azerbaijan during the past five years. These legislative changes, hastily adopted in Azerbaijan in May 2009, were particularly alarming for experts and defenders.

Source: <http://www.irf.in.ua>
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Another mosque threatened, two others reprieved – for now?

By Felix Corley,

Forum 18 (27.05.2010) / HRWF (28.05.2010) - Website: <http://www.hrwf.net> - Two mosques threatened by the state authorities have been reprieved, but a further mosque near Azerbaijan's capital Baku has been told it must close, Forum 18 News Service has learnt. "Of course we'll continue to pray if the police go ahead and close us down," Imam Mubariz Gachaev of the Sunni mosque in Mushfiqabad near Baku told Forum 18 on 26 May. "We'll pray on the street if we have to." The mosque in the village of Mekhtiabad also near Baku – similarly unilaterally ordered by police in mid-May to close – has been reprieved when police withdrew the order after questions from abroad.

And on 14 May, President Ilham Aliiev ordered the half-finished Fatima Zahra mosque in Baku to be handed over to the Muslim Board after an Iranian ayatollah threatened a "fatwa (religious ruling) of resistance" if the court-ordered destruction went ahead.

Harsh controls

Azerbaijan maintains harsh controls on all religious activity. Controversial changes to the Religion Law in 2009 made all unregistered religious activity illegal and state registration is very difficult to obtain. The new Religion Law required all registered religious communities to re-register with the State Committee for Work with Religious Organisations by 1 January 2010. Also controversially, since the latest amendment to the Religion Law, all mosques also need to be endorsed by the state-backed Caucasian Muslim Board.

The most recent list of re-registered religious communities, updated on the State Committee website on 27 May, lists just 365 registered communities, although 534 communities had registration under the old Religion Law. Some 700 communities were awaiting registration or re-registration in early April, but an official denied to Forum 18 that the State Committee's work was "unprofessional".

Communities that meet for worship without state registration – such as the Baptist congregation in the northern town of Aliabad, which has been seeking registration in vain for more than 15 years – face threats of punishment, most recently in April.

Enforced closures of places of worship

The state has closed a series of mosques – mostly Sunni – in recent years and several have been demolished. Among those closed is the Sunni mosque in Azerbaijan's second city Gyanja [Gänçä], which the community has been trying to have reopened, so far in vain.

Javanshir Suleymanov, lawyer for the closed Abu-Bekr mosque in Baku, said that there has been no progress on its reopening. "We've already been through all the courts and there's nothing left," he told Forum 18 from Baku on 20 May. He said they lodged a complaint to the United Nations human rights mechanisms in Geneva in 2009, which has asked them for supplementary information as they examine the complaint.

Places of worship confiscated during the Soviet period have often not been returned to religious communities, including a century-old Baptist church in central Baku and several Georgian Orthodox churches near the town of Gakh in north-western Azerbaijan near the Georgian border. In particular, the authorities obstructed access several years ago to St George's Church in the village of Kurmukh in 2007, and have since allowed only limited access for services.

However, in April or May 2010 the State Committee registered a second Georgian Orthodox community in addition to the long-standing registered community in Gakh. The newly-registered community is St Nino's Church in Alibeyli, according to the latest list on the State Committee website. St George's Church in Kurmukh has not gained registration.

Will Police close Mushfiqabad mosque?

Imam Garaev of the Sunni Mosque in Mushfiqabad in Garadag District near Baku told Forum 18 that his mosque began functioning 12 years ago and gained registration with the Justice Ministry. He said that although the mosque is small, hundreds of worshippers attend regular Friday prayers, including some from Baku.

However, Garaev said the local police officer told him verbally in mid-May that he needed to speak to the police chief. He went to the 10th police station of Garadag District, but officers there sent him to Intigam Mirsalaev, head of Garadag District Police. Mirsalaev told him that the mosque is to be closed as it does not have registration, though he gave him no order in writing. He added that he is not to conduct the namaz (prayer) as he has no permission to do so.

Mirsalaev also asked Garaev why worshippers come from Baku and instructed him to tell them not to come. "I told him I can't tell people not to come," Garaev told Forum 18.

Imam Garaev told Forum 18 that the Caucasian Muslim Board, which had earlier given its approval to the mosque, is not doing so. "They say our documents are not in order, but they are fine. They don't want to approve our application."

The imam said he decided to go ahead with Friday prayers on 21 May, led by his deputy, but police did not intervene. "The mosque remains open and we continue with the namaz," he told Forum 18. However, he fears that police could move to close the mosque at any time. He said the community is considering engaging a lawyer to protect their rights.

The aide who answered Mirsalaev's telephone at Garadag District Police on 27 May, who did not give his name, appeared to be consulting his boss about Forum 18's question as to why the mosque is threatened with closure. He then said Mirsalaev was unavailable, adding later that he was not in the office. He refused to discuss the threatened closure by telephone. "We only respond to written requests."

Forum 18 was unable to reach any official of the State Committee on 26 and 27 May. However, State Committee spokesperson Gunduz Ismailov told the local APA agency on 20 May that it is aware of the situation at the mosque and is "working on it".

Mekhtiabad mosque reprieved – for now?

Local police visited the mosque in the village of Mekhtiabad in Absheron District north of Baku on 15 May, the Baku-based lawyer Suleymanov (who also represents the Abu Bekr mosque community) told Forum 18 on 20 May. Without showing any official document they ordered the mosque to close. He said the mosque community had discussed taking him on to defend their rights.

However, Absheron District Police Chief Colonel Namik Ismailov categorically denied to Forum 18 on 21 May that police had ordered the Mekhtiabad mosque to close. "It didn't happen," he claimed. "People pray there – it is open. Police did not intervene." He claimed that Azerbaijan is a free country and that "people can pray where they want".

Suleymanov told Forum 18 on 25 May that police had withdrawn their order to close the mosque and said he believed Forum 18's call to the police chief might have influenced this decision. "Why have you harmed our country by speaking of this abroad?" he quoted police as telling members of the mosque community. He said the mosque community had told him they no longer need a lawyer to defend their rights.

Fatima Zahra mosque demolition overturned

Members of the community of the Fatima Zahra mosque in the Yeni Guneshli district of Baku have welcomed the about-turn over the confiscation and demolition of the half-finished building. President Aliiev issued an unpublished instruction on 14 May that the mosque should not be destroyed and should be handed to the Caucasian Muslim Board headed by Sheikh-ul-Islam Allahshukur Pashazade, as his deputy Salman Masaev confirmed to Forum 18 on 19 May.

Masaev said that prayers have not yet resumed at the Fatima Zahra Mosque and the building will have to be completed before this happens. He said discussions were underway with city officials over the rebuilding. Asked when it will be completed and opened for worship, he told Forum 18: "It won't be years – more like several months."

"We've not seen the order – the president gave it to the Sheikh," community leader Tofik Rasizade told Forum 18 from Baku on 20 May. "See, God has done something. We're satisfied that God's house will not be destroyed." He added that Pashazade has told the community not to be in a rush to resume prayers at the site.

Although land and permission to build was given by Baku City Council in the 1990s, members of the Fatima Zahra mosque in Yeni Guneshli were shocked to receive an order

in summer 2009 from the Surakhani District authorities to oust them from the site and recover the building.

The community failed to overturn the decision through the courts, with their appeal being turned down in the Supreme Court on 30 April. That left the option only of a final appeal to the Supreme Court Plenum and after that to the European Court of Human Rights in Strasbourg. Pashazade had also appealed to the President to save the mosque.

President overrides courts

The President's sudden order came amid mounting criticism of the closure of mosques in Azerbaijan, including the Fatima Zahra mosque. A roundtable in Baku on 6 May attributed the closures to "the influence of world Islamophobia in Azerbaijan", which they believe is backed by Zionism, the Turan news agency reported. Complaints had already come in from Muslims in Russia's southern republic of Dagestan.

Grand Ayatollah Nasser Makarem Shirazi, speaking in the Iranian holy city of Qom on 12 May, denounced the destruction of mosques in Azerbaijan. "If the destruction of the mosques in Azerbaijan continues, we will issue a fatwa (religious decree) of resistance, and we will declare that anyone who is killed in this path is a martyr," the Tehran Times quoted him as saying the following day. "We have officially sent our message to the Azerbaijani government, and we hope that they stop."

Although the State Committee on 13 May denounced the ayatollah's comments as "unacceptable", according to Trend news agency, on 14 May President Aliev issued his order.

The legal authority for President Aliev's decision to overturn a court ruling remains unclear. The Presidential Administration Press Service refused to discuss the decision with Forum 18 on 18 May. Written questions and a request for the text of the 14 May decision, sent the same day, had not been answered by the middle of the working day in Baku on 27 May.

Masaev of the Caucasian Muslim Board told Forum 18 that the president's order had solely concerned the Fatima Zahra Mosque, not any of the other mosques closed or threatened with closure by the authorities. Asked what his Board was doing to gain the reopening of other closed mosques – such as the Sunni mosque in Gyanja and the closed mosques in and around Baku – he said Forum 18 should speak to the State Committee.

Religious book confiscations continue

"Operational measures" or raids continue against readers of the works of the late Turkish Muslim theologian Said Nursi. In a joint operation by Terter District Police and officers of the National Security Ministry (NSM) secret police, the home of Nursi reader Suleiman Mamedov was raided in the village of Bayandur in western Azerbaijan, the Interior Ministry website reported on 21 May. It said 58 religious books and brochures banned by law were discovered and confiscated. It added that an investigation was continuing.

The officer who answered the phone at the Public Affairs Department of the NSM denied that any such operation had taken place. "What you say is not true," the officer – who did not give his name – told Forum 18 on 27 May. Told that the Interior Ministry had noted the raid on its website and spoken of the NSM's involvement, the officer responded: "We're not the Interior Ministry. You must speak to them."

No one at Terter District Police was prepared to discuss the raid with Forum 18 on 25 May. The duty officer referred Forum 18 to the Police Chief Mageramov. However, his phone went unanswered on 25 and 26 May.

Nursi readers have been particular targets for literature confiscation, fines and even imprisonment for up to 15 days.

Azerbaijan stops mosque demolition after warning from Iranian cleric

A court ruled last year that the Fatimeyi-Zahra mosque was illegally built

RFE (17.05.2010) / HRWF (20.05.2010) - Website: <http://www.hrwf.net> - Azerbaijani President Ilham Aliyev has ruled that the controversial Fatimeyi-Zahra Mosque on the outskirts of Baku will be subordinated to the country's leading religious authority, RFE/RL's Azerbaijani Service reports.

Aliyev's ruling on May 14 means control of the mosque will go to the Muslim Spiritual Board of the Caucasus, preventing its demolition.

A district court ruled one year ago that the mosque was built illegally and ordered its demolition. The Supreme Court upheld that ruling.

But Azerbaijan's top Muslim cleric, Sheikh-ul-Islam Allahshukur Pashazade, appealed to Aliyev to accede to Muslim appeals not to demolish the mosque.

On May 12, Iranian Grand Ayatollah Makarem Shirazi threatened to issue a fatwa against Azerbaijani officials if the mosque was destroyed. The "Tehran Times" quoted him as saying that a warning had been sent to the Azerbaijani leadership.

Azerbaijan's State Committee for Work With Religious Structures on May 13 branded the ayatollah's statement as "slanderous" and "inconsistent with the image of a religious leader." It reaffirmed that the rulings that the mosque should be demolished were handed down by the courts and cannot be described as political.

Two allegedly illegally built mosques in Baku were demolished last year and a third one was closed.

"Unpleasantness with the law" for worshipping?

By Felix Corley

Forum 18 (11.05.2010) / HRWF (14.05.2010) - website: www.hrwf.net - Religious communities punished for meeting for worship, or who have had religious literature confiscated, continue to appeal to officials over these human rights violations Forum 18 News Service notes. Jehovah's Witnesses have written to Azerbaijan's State Committee for Work with Religious Organisations to demand the return of confiscated religious literature. Despite repeated appeals over more than 15 years - most recently in early 2010 - for the Baptist church in the northern town of Aliabad to be registered, its application has still not been accepted. Instead, police visited its pastor in late April to warn him not to gather church members for worship. And readers of the works of the late Turkish Muslim theologian Said Nursi are still trying to recover books confiscated in 2007 and never returned.

Violations of freedom of religion or belief in Azerbaijan have been occasionally successfully challenged. But the only example in 2010 known to Forum 18 is an appeal against a fine imposed on one Muslim reader of Nursi's works.

Recent appeals from members of two mosques forcibly closed by the state in the capital Baku, and in Azerbaijan's second city Gyanja [Gäncä], have so far failed to secure their reopening. Similarly some Christian churches remain forcibly closed, despite the protests of congregations.

Baptist church warned not to meet

On 30 April, two police officers visited the home of Pastor Zaur Balaev, who leads a Baptist congregation in the small town of Aliabad in the north-western region of Zakatala [Zaqatala]. Balaev told Forum 18 on 10 May that Captain Khalid Mamedov of the Criminal Investigation Department and the local police sergeant warned him verbally that he does not have the right to gather church members for worship, as the church does not have registration. "They warned me of 'unpleasantness with the law' if we carry on meeting," Balaev told Forum 18. They did not specify what this meant.

Balaev said the police filmed the room in the house where the Church meets, and studied closely all the religious books they could find. One officer questioned why some of the books did not indicate the name of the publisher at the back.

Under Azerbaijan's system of censorship of religious literature, all religious literature produced or sold in the country or imported into it needs permission from the State Committee. The already severe censorship system was further tightened in 2009.

Although the police did not explain why they were filming and examining his religious literature, "they were studying how they might move in future", Pastor Balaev told Forum 18. Captain Mamedov told him that he had been told to show the film to his superior officer. Although he did not identify his superior, Pastor Balaev believes he was speaking of Faik Shabanov, the head of Zakatala District Police who has often targeted the church.

Captain Mamedov completely refused to explain to Forum 18 from Aliabad on 11 May why he had visited Balaev's home, filmed it and inspected his literature and warned him not to allow the church to meet. "Without an instruction from the Interior Ministry in Baku, I can't talk to you," he told Forum 18. Police chief Shabanov's telephone went unanswered each time Forum 18 called on 11 May.

The Baptist Church in Aliabad has been seeking registration in vain since the mid-1990s and Forum 18 thinks it to be the religious community in Azerbaijan which has been denied registration for the longest time. The local notary in Zakatala - where the official founders of the community have to have their signatures notarised before an application can proceed - has repeatedly refused to do so, preventing successive applications from proceeding.

Pastor Balaev was imprisoned from May 2007 to March 2008, on charges his church insist were trumped up to punish him for his religious activity. One of those who testified that he had hit five police officers and damaged their car was Captain Mamedov. In June 2008 another of the church's leaders, Hamid Shabanov, was arrested, not being freed until February 2009.

The Church has repeatedly appealed to the government in Baku over the denial of registration, most recently writing to Hidayat Orujev, the Chair of the State Committee at the beginning of 2010.

Literature confiscated

Jehovah's Witnesses have regularly experienced literature confiscations. More than 30 out of 250 Jehovah's Witnesses from Azerbaijan, who attended a weekend congress in neighbouring Georgia, were detained for up to nine and a half hours on their return to Azerbaijan. They also had personal religious literature confiscated from them, Jehovah's Witnesses told Forum 18. Five coaches were stopped by Azerbaijani customs officers at about 5.30 pm on 25 April, at the Sinik Korpu crossing point near the Red Bridge on the Georgian-Azerbaijani border.

Customs officers confiscated at least 33 copies of the Bible or Gospels - including individuals' personal copies - as well as other Jehovah's Witness books. "What legal justification could there possibly be for confiscating a citizen's personal copy of the Holy Scriptures?" Jehovah's Witnesses asked. At least 14 people had personal notebooks from the congress confiscated, but these were later returned. Border posts have also been the scene of past literature confiscations from people of many faiths.

Jehovah's Witnesses told Forum 18 that no official record of confiscation was drawn up for any of the confiscated books, and no reason given for their confiscation. They point out that taking another person's property without legal justification is theft, punishable under Article 177 ("Theft of property") of Azerbaijan's Criminal Code.

They also complain that the first coach was allowed to leave only at 11.30 pm, and the final two not until 3 am. This caused "considerable hardship" to the more than 30 elderly and infirm and more than 30 mothers with children, they stressed.

Complaint against literature confiscations

The victims' lawyer, Jason Wise, wrote a letter of complaint to Orujev of the State Committee for Work with Religious Organisations on 30 April, which Forum 18 has seen. "It is obvious my clients were targeted because they are Jehovah's Witnesses," he wrote. Wise said some had been told the literature would be handed over to the State Committee, and he demanded it be returned to his clients immediately together with an apology. Wise also sent the letter to Elmira Suleymanova, the Human Rights Ombudsperson, and the Interior Ministry.

Jehovah's Witnesses told Forum 18 that as of the end of 11 May, no reply had been received.

No one at the State Customs Committee in Baku or its regional branch in Tovuz (under whose jurisdiction the crossing point falls) was prepared to discuss the searches and confiscations with Forum 18 on 6 May.

Appeals against book confiscations

Three of the seven Muslim readers of the works of Said Nursi who were fined in Sheki in February had their appeals rejected, by Sheki Appeal Court on 15 March.

The Appeal Court initially refused to accept an appeal to have their confiscated books returned, but after pressure from Nursi devotees it did accept it. However, on 14 April the Court said it was asking the State Committee in Baku to send its decision on whether the confiscated books are authorised for use in Azerbaijan or not.

In a further complaint lodged on 5 May to Ujar District Court in central Azerbaijan, Nursi readers who had 26 of their books confiscated in 2007 are trying to recover them from the police.

"No one has ever banned Said Nursi's books in Azerbaijan," one Nursi reader told Forum 18 on 5 May. "Yet they still confiscate them and refuse to return them." The reader pointed out that the only official ruling on their books that they are aware of is a 3

August 2006 letter to the Customs Committee from the State Committee's Elchin Aleskerov - seen by Forum 18 - declaring that 14 named Nursi publications had been confiscated on import to the country "because of their negative influence on the religious situation in the country".

No one at the State Committee in Baku was prepared to discuss the confiscations with Forum 18 on 6 May.

"Illegal" religious books

Three Jehovah's Witnesses are also appealing against fines imposed on them for having allegedly "illegal" literature, Jehovah's Witnesses told Forum 18 on 4 May. The three women - Salatyn Iskenderova, Shafiga Mamedova and Gulnaz Hasanova - were detained by police in Agstafa District of north-western Azerbaijan on 26 April, when 408 religious books were found in their possession, the Interior Ministry website reported the following day. It claimed the books were illegal.

Jehovah's Witnesses said that, after being detained on 26 April, the three women were told to come back to the police station the following day. They were then taken to Agstafa District Court, where they were found guilty under Article 300.0.2 of the Code of Administrative Offences (distributing religious literature without state permission), one of the new "offences" introduced in 2009. All three women were fined 200 Manats (1,480 Norwegian Kroner, 187 Euros or 238 US Dollars) each, estimated to be about three weeks' average wages for those in work.

The officer who answered the phone of Agstafa District's police chief - who did not identify himself - insisted that the court had fined the women, not the police. Asked why they had been detained at all, the officer claimed not to know anything.

Meanwhile, in Mingechar in central Azerbaijan, the town police conducted "operational-investigational measures" to raid a private flat where two Jehovah's Witnesses were living, the Interior Ministry website reported on 2 May. It said police confiscated 591 religious publications, DVDs and cassettes. Police accused the two female residents - Aybeniz Mahmudova and Sevinj Garavelieva - of conducting "illegal religious propaganda" and began an investigation.

Mingechar police refused to explain why they raided the two women's home, referring Forum 18 on 6 May to senior investigator Aydin Abyshov. However, he categorically refused to discuss the case with Forum 18.

Also refusing absolutely to discuss the Agstafa and Mingechar cases with Forum 18 on 5 May was the western regional branch of the State Committee in Gyanja.

Fine overturned, but other appeals fail

The only 2010 successful appeal against a religious freedom violation known to Forum 18 involves Muslim reader of Nursi's works Naila Ahmedova. She was brought to court in the northern town of Khachmaz [Xacmaz] on 4 February, and fined 100 Manats (740 Norwegian Kroner, 90 Euros, or 120 US Dollars) under Article 299 Part 3 of the Code of Administrative Offences. This states that "the holding by clergy and members of religious associations of meetings and the creation of labour, literary and other circles and groups not connected with the conducting of religious rituals with the aim of attracting young people and youth carries a fine of 10 to 15 times the minimum monthly wage for responsible figures".

However, on 15 March Ahmedova's appeal to Sumgait Appeal Court was successful, and her fine was cancelled, other Nursi readers told Forum 18.

Other Muslims Nursi readers who have been fined, or given short term detention, for meeting together have failed to overturn their punishments on appeal. Three of the seven who were fined in Sheki in February had their appeals rejected by Sheki Appeal Court on 15 March.

After another complaint, this time in Khachmaz Region over what Muslims state was police maltreatment of female Nursi readers during police raids in January, Deputy Police Chief Misir Imamaliev blocked their complaint to the Regional Court. Nursi readers claim that one Muslim, who was seven and a half months pregnant, went into early labour soon after.

Forum 18 was unable to reach police chief Imamaliev on 6 May.

Is protesting against violations worthwhile?

Many religious communities suffering violations of their members' freedom of religion or belief in recent years have told Forum 18 they are too afraid of state reprisals to complain in public. They have also stated that they see no point in challenging such violations through the courts, regarding them as a tool of powerful officials.

However, while acknowledging that the appeal against police mistreatment in Khachmaz was blocked, one Muslim Nursi reader insisted to Forum 18 that publicly challenging violations is crucial in defending the right to religious freedom. The Nursi reader pointed out that their fellow-believers have not been raided by police since March, after their many appeals and complaints were launched. "When we lodge complaints, the police stop."

Citizens of Turkey illegally promoting religion in Azerbaijan detained

Azeri-Press Agency (29.04.2010) / HRWF Int. (30.04.2010) - Website: <http://www.hrwf.net> - Citizens of Turkey illegally promoting religion in Azerbaijan have been detained, Ganja police office told APA.

As a result of the operations carried out by Ganja department of National Security Ministry and Nizami district police department of Ganja police office, Turkish citizens – Orhan Fuat Ibrahimcan, 23, Sami Mehdi Mustafa, 65, Mehmet Bostan Osman, 23, and Mustafa Hasar Nizamettin, 22, have been detained.

Two of the detainees – Mehmet Bostan Osman, 23, and Mustafa Hasar Nizamettin, 22, are students of Ganja State University.

The investigation found out that the detainees were illegally promoting religious sect "Suleymanchilar" without appropriate state registration.

Nizami district police department continues investigations.

Official denies "unprofessional work" over re-registration denials and delays

By Felix Corley

Forum 18 (07.04.2010) / HRWF Int. (09.04.2010) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Religious communities of a wide variety of faiths in Azerbaijan have expressed to Forum 18 News Service their frustration, irritation and fear over the controversial and highly bureaucratic compulsory re-registration process. "They torture us with their bureaucratic demands," the leader of one community who asked not to be identified complained to Forum 18. More than seven months after re-registration applications began arriving at the State Committee for Work with Religious Organisations in the capital Baku, and more than three months after the submission deadline expired, Committee officials have admitted that fewer than half the applications from existing registered communities have been processed and approved. Some other communities have been told – on what they insist to Forum 18 are arbitrary grounds – that their applications are being rejected.

Hundreds of other communities which did not have registration are also waiting for their first-time applications to be processed. Forum 18 knows of one Baptist church - in the town of Aliabad, in the north-western region of Zakatala - which has been obstructed from lodging an application for more than 15 years. The local state notary arbitrarily refuses to notarise the founders' signatures on the application, meaning that the application cannot get beyond the first stage.

State Committee spokesperson Gunduz Ismailov confirmed to the local news agency APA on 6 April that only 252 of the 534 communities which had registration under the old Religion Law have successfully achieved re-registration. He admitted that some 700 other communities are awaiting re-registration, or registration for the first time.

The compulsory re-registration (the third since Azerbaijan gained independence in 1991) was mandated by the harsh revisions to the Religion Law which came into force in May 2009. Article 12 of the revised Law implies that unregistered religious activity is illegal – in violation of Azerbaijan's international human rights commitments. Furthermore, Muslim communities can only get registration if they are part of the state-backed Caucasian Muslim Board.

However, the Religious Affairs Office in Nakhichevan - an exclave wedged between Armenia, Iran and Turkey which is an autonomous republic of Azerbaijan – insisted to Forum 18 in December 2009 that no re-registration requirement exists there.

Why is registration needed?

While law-makers who adopted the new Religion Law and State Committee officials failed to explain why they insist that registration is necessary before religious communities can function, some religious communities have defended their right to function whether or not they have state registration.

"Our people don't even apply for registration," one reader of the works of the late Turkish Muslim theologian Said Nursi told Forum 18 on 7 April. He pointed out that Article 18 of Azerbaijan's Constitution guarantees freedom of conscience and freedom of worship making no reference to any requirement for state registration.

Nursi readers have in recent years been subjected to police raids, fines and literature confiscations.

Taking a similar stance are members of the Council of Churches Baptists in Azerbaijan. Like their counterparts elsewhere, they reject state registration in principle, arguing that it leads to state interference in their internal church life.

State Committee official denies "unprofessional work"

The official who on 7 April answered Ismailov's telephone at the State Committee – who would not give his name – dismissed suggestions that the failure to re-register more than half the registered religious communities over a seven month period was the fault of State Committee officials. "It is not a question of our unprofessional work," he insisted to Forum 18. "We've had lots of work to do and so many applications came in."

The official denied the frequent complaint from religious communities that lots of bureaucracy was involved in lodging applications. "Anyone who lodges an application will get re-registration." Asked in particular why the Baptist church in Aliabad has been trying to register in vain for more than 15 years, the official put the phone down.

Despite widespread dissatisfaction among religious communities, Forum 18 has found that few of them are prepared to voice their concerns on the record for fear of jeopardising their chances – however slim - of achieving re-registration. Without re-registration, communities would be at risk of police raids and other harassment.

Refusals to consider re-registration applications

State Committee officials have told some religious communities bluntly that their re-registration applications will not be considered. These include the communities of mosques closed and confiscated by the authorities in 2008 and 2009, such as the Fatima Zahra mosque in Baku's Yeni Guneshli district and the Juma Mosque in Shahsevenler district of Azerbaijan's second city Gyanja [Gäncä], the only Sunni Muslim mosque in the city.

The Fatima Zahra mosque, the only mosque for a residential district of some 70,000 people, was closed by police in summer 2009 and is threatened with demolition.

Tofiq Razizade, leader of the Fatima Zahra mosque community, told Forum 18 that it lodged its re-registration application in November 2009 after the enforced closure. However, the State Committee responded in February 2010 that the application is invalid and will depend on the outcome of a Supreme Court hearing over the building's possible demolition, now due to take place on 14 April.

"We're not a new community – we were registered in 1995 and re-registered in 1997," Razizade told Forum 18 from Baku on 6 April. "We didn't get re-registration in 2002 only because the State Committee objected to the name of the mosque. We have a letter of recommendation from Sheikh-ul-Islam Pashazade from the Muslim Board. We told the State Committee that we don't want anything from them except to be allowed to pray."

Vidadi Abbasov of the Sunni Muslim community in Gyanja told Forum 18 that in the wake of the closure of their mosque by the authorities during the Muslim holy month of Ramadan in September 2009, it was told it cannot lodge a re-registration activity. The community lodged an application before its enforced closure, but officials insist this is not valid.

"All we want is to be allowed to reopen our mosque or to be given a new mosque to pray in," Abbasov told Forum 18 from Gyanja on 7 April. He insists that the current registration under the old Religion Law has not been annulled through the courts.

Also rejected outright with no explanation was the re-registration application of the Baku International Fellowship, an English-language Protestant community largely made up of expatriates. The Fellowship gained registration only with difficulty in April 2003.

David Fortune, the Fellowship's Canadian pastor, notes that the re-registration application was submitted before the 1 January 2010 deadline. "We continue to try and submit our application," he told Forum 18 from Baku on 7 April. Fortune points to the

knock-on effect on the congregation, with the Migration Department now rejecting visas for its foreign staff. One staff member has already had to leave Azerbaijan this year.

"The only reason given for this rejection was that we had 'no basis for being in the country'," Fortune told Forum 18. "We don't understand this since we still have the old registration. Someone at the Migration Department said that they were still giving visa for religious workers but they could not comment on a specific case such as ours." The State Committee has refused to help church members resolve the visa problem with the Migration Department.

Other rejections "not final"

Three other religious communities publicly identified by Ismailov of the State Committee in his 6 April interview as having been denied re-registration are the Baku Baptist congregation, the Baku Seventh-day Adventist congregation and the Baku Jehovah's Witness congregation. Baptist and Adventist congregations have existed in Baku for more than a century, though Jehovah's Witnesses have worshipped there only more recently.

The State Committee wrote to Baku's Baptist congregation on 19 February, though the letter only arrived on 19 March, the head of the Baptist Union Ilya Zenchenko told Forum 18 from Baku on 6 April. The letter told the church that its application was being refused as only two of the original ten legal founders of the community were the same and that the community had added the word "Church" to its official name.

"Some of the people who were the official founders a decade ago are now old and unwell and we want to include younger active people," Pastor Zenchenko explained to Forum 18. "We're not an organisation of ten people but a church." He complained that the State Committee never warned the church that it had to use the same founders as before, a complaint Forum 18 has heard from a number of other faiths.

Pastor Zenchenko insisted to Forum 18 that he still believes the problems can be resolved and the State Committee will register the congregation. However, he points out that in March, their church was visited by police from Narimanov District's 16th police station four times. "They insisted that we were acting illegally because we had not been re-registered," Zenchenko told Forum 18. "They're supposed to be guardians of the law, but we had to explain that until a court liquidates us our registration remains valid."

Forum 18 has also learnt that the State Committee wrote a similar rejection letter to Baku's Adventist church on 19 February, though the church did not receive it until 1 April. Committee officials told the Adventists that now their application has been rejected it will have to apply for registration as a new community. Forum 18 understands that the community will apply for registration as a new community.

Jehovah's Witnesses confirmed to Forum 18 that the State Committee had written regarding the fact that their Baku community could not be re-registered because of allegedly technical problems in the application. "But this doesn't mean that we're automatically deregistered – it wasn't a final decision. We're still in negotiation with the State Committee," Jehovah's Witnesses told Forum 18 on 7 April. They point out that a court order to liquidate a religious community is needed before the existing legal status is removed.

Who has got re-registration?

While the Muslim Board was the first to be re-registered, the Russian Orthodox diocese was second. Others among the 252 communities which had gained re-registration by 6 April were mosques, Baku's Hare Krishna community, six different Jewish communities, two Molokan communities (in Baku and Sumgait) and Baku's New Life Protestant church.

In addition to the 252 re-registered communities, Baku's Baha'i community told Forum 18 on 7 April that it had just been told it can come to collect its re-registration certificate from the State Committee on 8 April.

Many others still wait

Forum 18 has learnt that many mosques, almost all the other currently registered Christian communities, as well as communities of other faiths, are still waiting for a response to their re-registration applications. "We applied for re-registration back in September 2009 as one of the first," the leader of one community who asked not to be identified told Forum 18 on 7 April. "When we go to ask they say there are more than 700 others waiting, so you'll have to wait some more. But how can this be when we were among the first to apply?"

Pastor Rasim Hasanov, who heads the Evangelical Alliance, which brings together many Protestant congregations, complains that the only Protestant church to have achieved re-registration is New Life Church. "Many others have presented their applications," he told Forum 18 from Baku on 7 April. "What our Evangelical Alliance wants is for all Christian churches to be granted registration by the government and receive their certificate, and to be able to freely worship our God."

Pastor Hasanov's own church - the Temple of the Lord, an Assemblies of God congregation - has been seeking registration in vain since 2006.

Among Christian communities, Pastor Zenchenko of the Baptist Union said it is still waiting to receive any response over its communities in Sumgait and Gyanja, as is the Adventist church over its congregation in Gyanja. Baku's Catholic parish and Lutheran congregation are likewise still waiting for re-registration, as is the one currently registered Georgian Orthodox parish in Gakh in north-western Azerbaijan near the border with Georgia.

The head of Azerbaijan's Catholic community, Fr Vladimir Fekete, told Forum 18 from Baku on 7 April that earlier that day his assistant had been summoned to the State Committee, where officials had presented in writing its latest demands to "bring our statute into line with the law". "We are discussing their demands and asking for light from the Holy Spirit as to how to proceed," he told Forum 18.

Svetlana Stepanova, president in Azerbaijan of the New Apostolic Church, told Forum 18 on 7 April that her congregation in Baku was only able to apply for re-registration in February 2010, as it was waiting for a letter from its counterpart in Germany which oversees work in Azerbaijan. "We have twice amended our statute as the State Committee demanded and we are about to resubmit it," she told Forum 18. "They told us that until they are happy with that we should not submit the rest of the documents they need to have, even though we have them ready."

Despite the re-registration of the Caucasian Muslim Board and the Russian Orthodox diocese, both of them national bodies able to function throughout Azerbaijan, State Committee officials have told other communities seeking to register a national body that no such category exists and therefore they cannot be registered. Forum 18 knows of several such national bodies for different faiths whose re-registration or registration applications are languishing with no response.

"Distributing religious literature without state permission"

By Felix Corley,

Forum 18 (12.03.2010) / HRWF Int. (18.03.2010) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Two Jehovah's Witnesses were detained by police in Azerbaijan's capital Baku on 3 March, and each fined the equivalent of about three weeks' average wages for offering their literature to others, Jehovah's Witnesses told Forum 18 News Service. The two were fined under an article of the Code of Administrative Offences introduced in 2009 punishing distributing religious literature without state permission. Meanwhile, a Baptist Union church in Baku has been threatened with closure after police visited in response to a hostile article in an opposition newspaper. The editor of the paper defended the article to Forum 18, insisting that no complaints from the Baptists had been received.

"Distributing religious literature without state permission"

Two Jehovah's Witnesses, Famil Nasirov and Amina Mammadova, were stopped by three police officers in Baku's Khatai District on 3 March while talking to neighbours about their faith and offering them literature, Jehovah's Witnesses told Forum 18. The two were taken to the 34th Police Station.

At the police station, their personal Bibles and several Jehovah's Witness magazines were confiscated. Major Vugar Hasanov drew up a record that they were distributing religious literature which had not been approved by the State Committee for Work with Religious Organisations and handed on the case to Khatai District Court.

Later that day, Judge Habil Mammadov (no relation of Mammadova) found the two guilty of violating Article 300.0.2 of the Code of Administrative Offences (distributing religious literature without state permission), one of the new "offences" introduced in 2009. The verdicts – seen by Forum 18 – record that Nasirov and Mammadova were each fined 200 Manats (1,468 Norwegian Kroner, 183 Euros or 250 US Dollars). Jehovah's Witnesses estimated this to be about three weeks' average wages for those in work.

The verdicts declare that Nasirov and Mammadova were "engaged in the spreading of religious literature that was not produced or imported with the permission of the corresponding state organ of executive power".

The assistant to Judge Mammadov declined to allow Forum 18 to speak to him on 11 March, declaring that "he does not talk to journalists". But the assistant – who did not give his name - insisted that the verdicts had been "in accordance with the law". "If these Jehovah's Witnesses are not satisfied with the verdict, they have the right to appeal to Baku Appeal Court." The judge's assistant refused to discuss how fines for religious activity were in accordance with Azerbaijan's international human rights commitments in the area of freedom of religion or belief.

Major Hasanov refused to discuss why the Jehovah's Witnesses had been detained. "Don't ring again," he told Forum 18 on 11 March and put the phone down.

Anti-Baptist article

Local Baptists have told Forum 18 of their serious concern over an article in the opposition Yeni Musavat (New Equality) newspaper on 8 March, which was also posted on the paper's website, accusing Baku's Baptist congregation of being "against Allah and

Islam". Describing the Baptists as spies for foreign countries, they question why the National Security Ministry and Interior Ministry have taken no action against the church.

The article – by Turkan Turan and Sahnaz Novruzqizi – was accompanied by photos they apparently took secretly when they visited the Sunday service on 7 March. Although it does not give the exact street address of the church, it gives the name of the main nearby street, shows a picture of the front entrance and says that it is next to the Ukrainian Embassy.

Baptists expressed alarm that state officials might be encouraged to close down the church. "We don't know what will happen next Sunday," one told Forum 18. The Baptist said more than 100 church members had already read the article. The Baptist also complained that individuals' photographs had been published in the newspaper and on the website without their permission.

Asked whether the Baptists had complained to the newspaper about the article, the Baptist told Forum 18 that there is no point. "If we write to them we fear they will twist our words against us and publish something even worse." The Baptist said in the past Protestant churches had tried to approach media outlets which had attacked them but "this did not help". The authorities have often used TV stations and journalists against members of Protestant Christian, Jehovah's Witness and Muslim religious believers they dislike.

Yeni Musavat's editor Rauf Arifoglu was unapologetic about publishing the article. "It was a journalistic investigation and we used a hidden camera," he told Forum 18 from Baku on 12 March. Asked why the newspaper had not given the Baptists the chance to respond to its accusations before they published the article in line with normal journalistic activity, he responded: "We don't know who they are."

Told that the Baptists are concerned and frightened over the article, Arifoglu responded: "No one has complained to us. If they want, let them write to us and we will publish their response." Asked why he had singled out the Baptists, he responded: "It [the Baptist church] is not an official organisation." He refused to explain what he meant. He refused to answer any more questions, muttering "Bastard" as he put the phone down.

Police check-ups follow anti-Baptist article

In response to the article, local police officers visited Baku's Baptist church several times on 9 and 10 March, Ilya Zenchenko, head of Azerbaijan's Baptist Union, told Forum 18 from Baku on 11 March. "Each time they came two officers at a time," he said. "They said they had read in the Yeni Musavat article that we are dangerous and came in to check the church's registration documents."

Zenchenko said the church showed the registration certificate given by the State Committee for Work with Religious Organisations. However, the police officers said that as the church has not yet re-registered with the State Committee in the wake of the amendments to the Religion Law it should be closed down. "We explained to them that we had lodged our application for re-registration before the deadline of 31 December 2009 and are still waiting," he told Forum 18. "In any case, the State Committee has to go to court to have any registration revoked and they have not done so."

The Baptist church is one of many religious communities which has not yet received re-registration under the new Religion Law. All registered communities were required to resubmit registration applications by 31 December 2009. Very few of the reported 700 communities which have applied for registration or re-registration have yet received it.

Protestant church's police visit

Police visited a Protestant church during a religious meeting on the weekend of 6-7 March, Forum 18 has learnt. However, as the church received no punishment, only a warning, the church decided not to go public.

Restrictions on religious activities

Azerbaijan's 2009 Religion Law, along with amendments to both the Criminal Code and the Administrative Code, introduced new "offences" - such as more severe censorship - and new punishments for religious activities and organisations the government does not like. It is implied that unregistered organisations are illegal, and stated that "all religious organisations" can act only after gaining state registration.

Shortly after the Religion Law entered into force further amendments were passed specifically targeting Muslims. These amendments ban non-citizens and citizens who have gained their religious education abroad from leading Muslim rituals, and require leaders of mosques to be appointed by the state-favoured Caucasian Muslim Board (see F18News 22 July 2009).

The authorities have also recently been raiding, fining and detaining followers of the approach to Islam of theologian Said Nursi, and have continued their long-standing harassment of Baptists in northern Azerbaijan. Most recently a birth certificate was denied to a family who chose a Christian name for their child, Esteri Shabanova.

Azerbaijan bans Koran, Islamic symbols in government offices

By Shahin Abbasov

Eurasia (26.02.2010) / HRWF Int. (01.03.2010) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Following violent clashes between police and Islamic activists in Baku in mid-February, the government has ordered all state employees to remove Islamic symbols from their offices, a source in Azerbaijan's Ministry of Internal Affairs tells EurasiaNet.

Religious items such as the Koran and ayahs -- the 6,236 Koran verses regarded by Muslims as divine revelations -- increasingly have shared space in government offices with the Azerbaijani flag and portraits of President Ilham Aliyev and his father, the late president Heydar Aliyev.

A source in the Ministry of Internal Affairs who did not want to be named stated that officials have been ordered to remove such religious items from government offices, explaining that "Azerbaijan is a secular state and religion [ought to be kept] separate from the state." The government has not yet commented officially on the issue.

The reported decision follows unexpected clashes on February 13 between about 100 Islamic activists and police in Baku that resulted in several injuries. Four activists who were detained have been charged with hooliganism and resisting police.

Rally organizers, members of the banned Islamic Party of Azerbaijan, a group widely perceived as pro-Iranian, claimed that the demonstration was staged to commemorate the anniversary of the death of the Prophet Mohammad. The city did not issue a permit for the demonstration.

Azerbaijan's State Committee for Religious Affairs called the February 13 incident "a planned action aimed to raise confrontation in society and to undermine tolerance." Three days later, Allahshukur Pashazadeh, head of the semi-official Caucasus Muslim Board, echoed that stance, condemning police violence against the group, but acknowledging the need for a rally permit.

Some analysts claim that Azerbaijan's southern neighbor Iran had the most immediate interest in such a demonstration. Iranian television journalists filmed the protest, they noted, while local media outlets were not notified of protest plans in advance.

Rauf Mirgadirov, political columnist for the opposition-friendly daily Zerkalo (The Mirror), links the demonstration to Israeli Foreign Minister Avigdor Lieberman's official visit to Baku on February 9-11 and to ex-Israeli Prime Minister Ehud Olmert's unofficial February 15 visit. Azerbaijan's ties with Israel have been an ongoing cause for complaint from Tehran.

"Obviously, Iran was unhappy with these visits; moreover, Lieberman's visit occurred the same day as the 31st anniversary of the Islamic Revolution in Iran," Mirgadirov noted. Iranian media reported a protest by demonstrators outside Azerbaijan's Tehran embassy on the day of Lieberman's visit to Baku, he added.

President Aliyev and other high-ranking officials met with both Lieberman and Olmert. Topics for discussion with Lieberman included the import of Israeli military technology, local news agencies reported.

Akif Heydarli, a spokesman for Islamic Party rejected the allegation that it was "pro-Iranian" in orientation. "Our party is pro-Azerbaijani and pro-Islamic. We represent thousands of Azerbaijani citizens," he said in an interview with EurasiaNet. Heydarli added that the party had organized a "defense committee" to assist those still in custody in connection with the February 13 protest.

Arif Yunusov, the Baku-based author of a work on Islam in Azerbaijan, believes that Iran is trying to use Azerbaijanis' increased interest in Islam to exert influence. He cited the popular Iranian satellite television station Sahar, which broadcasts in Azeri, as a case in point. "Azerbaijani TV channels are censored, and broadcasting by the BBC, VOA and Radio Liberty was stopped. . . . Sahar has turned into the only source of alternative information for many people in Azerbaijan, especially in the provinces," Yunusov said.

For now, Baku is showing no sign of wanting to confront Iran publicly on the protest, or any other issue. After February 20-22 meetings in Tehran with Iranian President Mahmoud Ahmadinejad and other top Iranian officials, Azerbaijani Parliamentary Speaker Ogtay Asadov rebuffed as "populist" comments from one pro-government MP about the demonstration outside Azerbaijan's Embassy.

"Azerbaijan should build good relations with Iran. We have 657 kilometers of common border and must have friendly relations," local media outlets quoted Asadov as saying.

The government is showing similar caution toward the growing interest in Islam among many Azerbaijanis, some observers believe. The crackdown on religious symbols in government offices follows a string of controversies about the closure and demolition of mosques.

Human rights activist Ilgar Ibrahimoglu, imam of Baku's Juma mosque community and head of the DEVAM human rights center, contends that the removal of the Koran and ayahs from government offices, if confirmed, poses "an assault on freedom of conscience."

Political columnist Mirgadirov says the move suggests that the government worries that Islam's influence could "become uncontrolled at some point."

If so, those concerns are misplaced, believes religious analyst Yunusov. "Secular values are a priority for most of the country's population," he said. But clashes with religious demonstrators could prove a risky response, Yunusov added. "Violence creates a violent response," he said.

Editor's Note: Shahin Abbasov is a freelance correspondent based in Baku. He is also a board member of the Open Society Institute-Azerbaijan.

Raids "as if we are terrorists" on Muslims

By Felix Corley

Forum 18 (26.01.2010) / HRWF Int. (02.02.2010) - Website: <http://www.hrwf.net> - Email: info@hrwf.net - Three groups of followers of the approach to Islam of the late Turkish theologian Said Nursi have been raided by police in different parts of Azerbaijan since the beginning of January, a Nursi follower who asked not to be named has told Forum 18 News Service. Also, three members of one of the mosques forcibly closed in 2009 have been fined, in apparent retaliation for a large-scale commemoration of Ashura on 27 December. The crackdown is part of continuing state actions against Muslims and those of other faiths exercising their freedom of religion or belief outside state control.

Raids "as if we are terrorists"

"Officers with automatic weapons raid our meetings as if we are terrorists," the Nursi follower complained to Forum 18 on 26 January. "But what troubles me the most is that when our books are confiscated they say they will check them and return them – yet they never do." He said that in the past three years, since police first started confiscating such books, none have ever been returned.

The Nursi follower estimated that more than 8,000 of their books have been confiscated since 2007. Azerbaijan imposes severe censorship on religious literature. The Nursi follower added that since 1995 more than 70 Nursi followers have been imprisoned for periods of up to 15 days.

Elchin Askerov, Deputy Chair of the State Committee for Work with Religious Organisations, defended the raids on Nursi followers and other religious groups in recent months including Jehovah's Witnesses. "They hold religious meetings without registration in private flats," he told Forum 18 from the capital Baku on 21 January. Asked what was wrong with that, he responded: "This is not allowed under our Religion Law."

Azerbaijan in 2009, against international human rights law, significantly increased "legal" restrictions on freedom of religion or belief for people of all faiths and none, and also passed laws specifically targeting Muslims exercising their freedom of religion or belief.

Asked what would happen if a local religious community successfully challenged a punishment for unregistered religious activity at the European Court of Human Rights in Strasbourg, Askerov of the State Committee told Forum 18: "If the European Court rules that prohibiting unregistered religious activity is illegal, we will change the Law."

Askerov defended the compulsory prior religious censorship, which the State Committee operates under the Religion Law. Asked how this matches the statement in 1998 by the

late President Heidar Aliev that censorship had been abolished, Askerov responded: "He was talking only about the press."

Askerov told Forum 18 he did not think the works of Said Nursi are banned in Azerbaijan, but was not sure. "Maybe they haven't applied for permission for them or maybe the State Committee has not put them in the list of approved religious works." He referred Forum 18 to the Expert Analysis Department of the State Committee, but the head of the Department, Jeyhun Mamedov, was not in his office on 26 January.

Latest police moves against Nursi followers

The first move in 2010 against Nursi followers was when police raided the home of Naila Ahmedova in the northern town of Khachmaz [Xacmaz] on 18 January. The Nursi follower told Forum 18 that she had just returned from the haj pilgrimage to Mecca. "Her relatives and friends came to visit her on her return – this is our tradition here," he pointed out. However, police came and raided the gathering. "She is being punished as though she is a terrorist," he complained. He said religious books were confiscated and she faces punishment under the Code of Administrative Offences, but has not yet been tried.

Forum 18 was unable to reach anyone at Khachmaz District Police on 26 January. However, the Deputy Police Chief Misir Imamaliev confirmed the raid to the Azeri Press Agency on 18 January and said "operational measures" were continuing.

Imamaliev also told the agency that police had launched a separate raid on another local Nursi follower. The home of Valida Gadirova had been raided in the village of Rahimoba on 17 January and "banned" religious books had been confiscated. He said she had been illegally teaching religion to children.

The telephone of Eynulla Nurullaev, the official of the State Committee in the northern town of Quba responsible for religious affairs in northern Azerbaijan, went unanswered each time Forum 18 called on 21 and 26 January.

The next move against Nursi followers came late at night on 22 January, when a police night patrol in the central region of Ujar stopped a car carrying three Nursi followers. "The three were returning home and the police were checking every vehicle," the Nursi follower told Forum 18. He said when police found Nursi books in the car they confiscated them and detained the three men. They were not freed until the following day. He lamented that once again the books were not returned.

Then on 24 January came the biggest raid so far this year, when more than 20 police officers raided a private home in the industrial city of Sumgait north of Baku. Nursi followers had gathered in Ilgar Pashaev's home to study Said Nursi's writings. All 76 were detained and taken to Sumgait city police station, the Nursi follower told Forum 18. He said police pressured them to write statements about why they were present and what they were doing. All but Pashaev's brother Gadir Pashaev were then freed.

Gadir Pashaev was brought to trial the following day under Article 299 of the Code of Administrative Offences, which punishes "violation of the procedure for religious activity". He was fined 15 Manats (110 Norwegian Kroner, 13 Euros or 19 US Dollars), even though the penalty for private individuals found guilty under this Article is 100 to 300 Manats. "This wasn't the correct penalty – they did it just for show."

Punishments for "illegal" religious activity under Article 299 were increased dramatically under harsh new legal amendments in spring 2009.

The Nursi follower Forum 18 spoke to insisted that the penalties imposed under Article 299 – such as for unregistered religious activity or religious activity away from a registered religious organisation's legal address – violate religious freedom commitments in Azerbaijan's Constitution.

The telephones of the head of Sumgait city police and the duty officers were engaged or went unanswered whenever Forum 18 called on 26 January.

Long-running campaign against Nursi followers

The latest official harassment of groups gathering to study the writings of Said Nursi follows many similar incidents in 2009. In the north-western Gakh [Qax] District in July, three Nursi followers were detained and punished the Code of Administrative Offences. Later in July, police in Gyanja [Gäncä], Azerbaijan's second city, detained 12 adherents after raiding a meeting in a private home. Three of them were then punished under the Code of Administrative Offences. In August police in Yevlakh [Yevlax] detained three adherents, who were each sentenced to between five and seven days' imprisonment.

"First they moved against opposition political parties.."

A Baku-based analyst pointed out to Forum 18 that under government moves against the Nursi followers, "ordinary believers are suffering". Arif Yunusov of the Institute of Peace and Democracy, who has written widely on Islam in Azerbaijan, says the harassment of the Nursi movement, as well as of other Muslim movements, represents an official attempt to crack down on the last uncontrolled sector of the population. "In Azerbaijan the government is becoming more authoritarian," he told Forum 18 from Baku on 26 January. "First they moved against opposition political parties, then against non-governmental organisations and journalists. Now all that is left are religious movements."

Yunusov likens the position in Azerbaijan to that of Uzbekistan, where all independent organisations have been crushed. "Since 2007 here, Islam has filled the vacuum and mosques have started to become political clubs. Religion provides an umbrella for protest. So they have moved against groups they say are conducting unsanctioned meetings."

He believes Sunni mosques and movements (such as followers of Nursi's approach) are the most active, which is why Sunni mosques have borne the brunt of state-ordered mosque closures in recent months.

Leaders of closed Baku mosque punished

Three members of one of the mosques forcibly closed in 2009 have been fined in apparent retaliation for going ahead with a large-scale commemoration of Ashura on 27 December. Tofik Razizade, the leader of the community of the Fatima Zahra mosque in the Yeni Guneshli district of Baku, told Forum 18 that he and two colleagues were fined on 24 January.

The Fatima Zahra mosque, the only mosque for a residential district of some 70,000 people, serves both Shias and Sunnis. Although unfinished, the mosque began to be used for regular worship in 2000. Despite being given the land by Baku's mayor, the mosque community was shocked in 2009 to be faced with a suit by the Surakhani District authorities to oust them from the site and recover the building. Police forcibly closed the mosque in summer 2009, provoking protests by community members. Other communities including the Georgian Orthodox Church have also had access to their places of worship forcibly restricted by the state.

Razizade of the Fatima Zahra mosque told Forum 18 from Baku on 26 January 2010 that ahead of Ashura, the mosque community wrote to the local administration asking for help in allowing them to use the mosque for the commemoration. They received no reply. However, he said that when the authorities saw the crowd of some 4,000 people who arrived on 27 December, "they had to let us in". He said police told them they could pray the namaz in the mosque and would then have to leave.

On 23 January, police detained six mosque members, including Razizade. Three were freed the next day without charge but the other three – Haji Husein and Agshin Fateh as well as Razizade – were brought to court. They were accused of violating Article 296 ("petty hooliganism") and Article 310 ("wilful failure to obey the demands of the law or the police") of the Code of Administrative Offences. Razizade was fined 50 Manats (363 Norwegian Kroner, 44 Euros or 62 US Dollars). The other two were each fined 20 Manats.

"We will appeal against the fines, but what will this achieve?" Razizade commented to Forum 18. "We'll have to pay, even though we are innocent of the charges."

Forum 18 was unable to reach anyone at the Surakhani District Police on 26 January.

Razizade insists that the mosque community will continue to press for the mosque to be returned to the community and allowed to reopen for worship. "Although the lower courts have ruled that the mosque should be demolished, we are going to appeal to the Supreme Court and, if necessary, to the European Court of Human Rights."

Defending the closures of the mosques in Azerbaijan in 2009 is Askerov of the State Committee for Work with Religious Organisations. "Each mosque had its own specific reason for closure," he insisted to Forum 18. He stressed that his Committee was not involved in the decisions. "The mosques deal with their local administrations."

However, Askerov claimed to be optimistic that the Fatima Zahra Mosque will be able to regain its building through the courts. However, he declined to explain to Forum 18 the reason for his optimism, given the court rulings against them and the continuing pressure on the community.

Crackdown in Nakhichevan also

Authorities in the Azerbaijani exclave of Nakhichevan warned employees of state enterprises and students not to attend mosques during Ashura in December 2009, and prevented people from entering mosques, local human rights defender Malahat Nasibova told Forum 18. The day after the Ashura commemorations many people were detained, including some in a psychiatric hospital. It is not clear if this was official punishment for their Ashura commemoration or to prevent potential opposition. Small Seventh-day Adventist and Baha'i minorities have already been forced out of Nakhichevan.
