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"Without registration you can't pray"

By Felix Corley

Forum 18 News Service (22.12.11) / HRWF (19.01.12) - Following a raid on Baptists meeting for worship in the town of Neftechala south-east of Salyan in southern Azerbaijan, members of the small Church remain unsure whether their pastor will face criminal charges, Forum 18 News Service has learnt. Pastor Telman Aliev was told a criminal case has been opened against him after the 11 December raid, but Prosecutor's Office officials refused to confirm or deny this to Forum 18. They and the local police refused to explain why they sent eight officials – including six police officers – to raid people meeting for worship. But they insisted they needed to take away all the books the Church had, "so that they can be checked to see if they are banned".

The books – Bibles, New Testaments, Baptist magazines and brochures, as well as Biblical audio and video recordings – have been sent to the capital Baku to the State

Committee for Work with Religious Organisations. This agency carries out Azerbaijan's compulsory prior censorship of all religious literature (see eg. F18News 12 April 2011 http://www.forum18.org/Archive.php?article_id=1561).

Where do you live? Did you join voluntarily? What ethnicity are you?

Officials asked Pastor Aliev for the full addresses of all Church members, saying they would ask them how they became Church members and whether they attended voluntarily. They also wanted to know how many were ethnic Russians and how many ethnic Azeris.

"I've had warnings before, but nothing like this," Pastor Aliev told Forum 18. Pastor Ilya Zenchenko, the Baku-based head of Azerbaijan's Baptist Union, told Forum 18 on 19 December that "of particular concern is that the police asked each Church member how they joined and whether this was voluntary," he complained. "How can they ask such questions?"

"We close any place of worship that isn't registered, including mosques"

The State Committee official for the area of southern Azerbaijan including Neftechala, Ibrahim (who would not give his last name), admitted to Forum 18 that he had taken part in the 11 December raid, "but only as a witness". "Everyone must have registration," he insisted to Forum 18 on 20 December. "Without registration you can't pray. We close any place of worship that isn't registered, including mosques." He then insisted: "We don't ban, we just demand documents."

Ibrahim refused to say definitively whether any mosques in his area had been closed. But he said that all forty mosques in his area had been warned that they must bring their documents "in order". "They're now preparing their documents."

Asked why the Neftechala Baptist congregation was raided in the middle of its worship service, Ibrahim responded: "Ask the National Security Ministry [NSM secret police] and the Police – they're the ones who banned them. I'm just a little person."

Raid, Church sealed

The most recent trouble for the Neftechala Baptist congregation began on the morning of 11 December. About eight congregation members – mostly elderly women – were present. The eight officials – six police officers of varying ranks, the State Committee official, and an official from the local Housing Department - arrived midway through its Sunday service, Pastor Aliev told Forum 18. They were accompanied by two neighbours brought in as the official witnesses.

The officials listened to the end of the service before questioning those present. They then told Church members that the Church was "closed", took the keys to the building, drew up an official record, and sealed the building so that Church members could not enter.

Pastor Aliev was summoned to the Prosecutor's Office in Neftechala on 16 December. He was then taken to the sealed Church, where officials seized all the literature they could find. They listed around 200 items, and then sent the publications to the State Committee in Baku.

Also taken was documentation related to the ownership of the house and the Church's car. However, the officials unsealed the church, and the congregation was able to meet for Sunday worship on 18 December.

Will Pastor face criminal case?

Pastor Aliev told Forum 18 that investigators at the Prosecutor's Office refused to give him the documents on the case. Investigators claiming that this was not possible as "a criminal case had been launched over religious literature arousing incitement over other faiths".

Aliev said that both he and his wife (who was not present on 11 December) face further questioning at the Prosecutor's Office on 23 December. All the Church members are also being summoned for questioning on 23 December, as well as to give statements.

One Neftechala District Prosecutor's Office official, who would not give his name, insisted to Forum 18 on 21 December that no criminal case had been opened against Pastor Aliev. "It was merely a check-up." He referred all further enquiries to Anar Mirkishiev, the Prosecutor's aide who is handling the case.

That same day, Mirkishiev refused to say whether a criminal case had been launched or was likely. "The police handed the case to the Prosecutor's Office," he told Forum 18. "Now the State Committee in Baku is investigating whether or not the books are banned. When they tell us, I will call Telman Aliev."

Asked whether a small religious community of fewer than ten people merited a raid by as many police officers and other officials and the confiscation of every one of its books, Mirkishiev eventually responded: "I don't believe they are dangerous people. It's just an investigation." However, he then insisted that "no-one said the Baptists and Telman Aliev were either good or bad".

Neftchala District Police Chief Rza Hajiyev was out of the office each time Forum 18 called on 21 December, fellow officers said. The duty officer refused to discuss why so many officers of varying ranks had raided a religious community. "All materials are now with the Prosecutor's Office." He then put the phone down.

In 2003 and 2004, the authorities put pressure on Pastor Aliev not to live in the house to serve the local congregation, and he was forced to move to Baku. He continues to travel down each week to lead worship in the Neftechala Church.

Pastor Aliev and a fellow Church member were summoned one by one by the police for "preventative conversations" in November 2007 (see F18News 16 November 2007 http://www.forum18.org/Archive.php?article_id=1049). Aliev told Forum 18 that police have occasionally visited the congregation since, including several visits about a year ago.

Tight restrictions

Restrictions on exercising the internationally-recognised right to freedom of religion or belief are particularly tight in Azerbaijan. For example, following passage of its latest set of legal changes – the third such change in three years – groups of people who produce or distribute religious literature or objects without going through the compulsory prior state censorship now face prison terms of two to five years, or maximum fines equivalent to nearly nine years' official minimum wage per person. Among the other new "offences" introduced was the "crime" of leading Islamic prayers by those who have studied abroad, along with massively increased fines for a range of existing "offences" (see F18News 15 December 2011 http://www.forum18.org/Archive.php?article_id=1648).

Exercising the right to freedom of religion or belief without state permission is illegal, in defiance of international human rights standards. Several hundred religious communities

which lodged registration applications at the State Committee to gain such permission, before the deadline of the end of 2009, have still not had their applications processed.

State Committee officials have claimed that religious communities whose registration applications have not been dealt with can still function under their old registration. But this is not the experience of communities who have been raided and banned from meeting - in one case with the use of riot police - despite applying for re-registration. At the same time, President Ilham Aliev claimed that "freedom of religion, freedom of conscience have been fully established in Azerbaijan" (see F18News 8 June 2011 http://www.forum18.org/Archive.php?article_id=1578). Recently, heavy fines and warnings for meeting for worship without the compulsory state registration have been given to Jehovah's Witnesses and Muslims (see F18News 14 December 2011 http://www.forum18.org/Archive.php?article_id=1547).

"Religious communities whose applications for re-registration are still pending remain in a state of uncertainty as to whether they are truly free to pursue their religious activities without encountering judicial problems," Council of Europe Human Rights Commissioner Thomas Hammarberg complained on 29 September. He pointed out to the Azerbaijani authorities that the Council of Europe European Commission against Racism and Intolerance (ECRI) had "recommended that the authorities swiftly complete the procedure for the registration of religious communities currently under way, taking into account the case-law of the European Court of Human Rights."

In its response, published on the Commissioner's website on 29 September, the Azerbaijani government claimed that "the registration cards of previously [registered] religious communities which applied for re-registration after the entry into force of the new amendments, but were rejected the registration have not lost their legal validity. These religious communities can continue to carry out their activity freely. To be clear, their registration can be annulled only by the court decision upon the request of the State Committee. So far, the State Committee has not applied to the Court requesting the termination of the registration of any religious community."

Many religious communities however – like the Neftechala Baptist Church - have not been able to gain registration in the past decade. "Everyone tries not to be noticed," a member of one religious community which has faced occasional threats told Forum 18.

Permission to exist in Soviet times, but not now

The Neftechala Baptist congregation has worshipped in the same building – a house left to the congregation by a Church member – since the 1960s, when Azerbaijan was part of the Soviet Union. The congregation has existed since 1953, and in 1966 the Soviet Council for Religious Affairs confirmed it as the Church's place of worship. Registration was lost in 1999, following attempts to re-register the Church during one of the five times since 1992 that communities have been forced to re-register. After 1999, the Church's re-registration attempt was blocked by the State Committee (see F18News 3 November 2005 http://www.forum18.org/Archive.php?article_id=681).

Following passage of the 2009 Religion Law, the Church has applied once again for registration. Like many communities, its application has remained unanswered.

Compulsory re-registration = de-registration

Religious communities have been forced to re-register five times from 1992 to 2011. They had to re-register after the adoption of the original Religion Law in 1992. They also had to re-register in 1994 and 1999 after changes to the Law, and in 2001 after the State Committee was set up. The fifth round of re-registration has followed the 2009

Religion Law. Each time, vulnerable religious groups struggled to gain re-registration (see F18News 6 May 2009 http://www.forum18.org/Archive.php?article_id=1291).

For example, the Baptist Union had ten registered congregations in 1992. After compulsory re-registration in 1994 it was six. After compulsory re-registration in 1999 it was two. By 2009 – before the latest round of compulsory re-registration - the Union had been able to register three congregations, in Baku, in the port city of Sumgait [Sumqayit] and in Azerbaijan's second city of Gyanja [Gäncä]. Now it has no registered congregations. Six congregations have been waiting in vain for registration from the State Committee since 2009.

Waiting for registration

In 2011, the State Committee only registered 60 of the religious communities which lodged registration or re-registration applications in 2009, according to the statistics published on its website. In December 2010, a total of 510 communities (493 Muslim and 17 of other faiths) were listed as registered. As of 22 December, a total of 570 are listed (550 Muslim and 20 of other faiths).

But a large number of religious communities – including many mosques, almost all Protestant communities, as well as Jehovah's Witnesses – have still been waiting for re-registration since 2009 (see eg. F18News 8 June 2011 http://www.forum18.org/Archive.php?article_id=1578).

State Committee censorship

It remains unclear when the State Committee will decide whether the Bibles, New Testaments and other literature seized from the Neftechala Baptist Church is "banned". Religious literature is frequently confiscated from religious communities of a variety of faiths during police raids (see eg. 27 July 2011 (see eg. F18News http://www.forum18.org/Archive.php?article_id=1598)).

Unusually, the authorities have returned more than 4,000 items of literature to the Council of Churches Baptist congregation in Sumgait. The items were seized during a June raid (see F18News 13 June 2011 http://www.forum18.org/Archive.php?article_id=1579). Congregations of the Council of Churches Baptists refuse to apply for state registration. "All the literature confiscated from us was returned, thank God," a member of the congregation told Forum 18 on 21 December. "The documents noted that all the literature was legal."

State Committee officials repeatedly state that they have "banned" items of literature that violate the law. Forum 18 asked the State Committee in writing on 14 December for a list of religious books which have failed to pass through its censorship (see eg. F18News 12 April 2011 http://www.forum18.org/Archive.php?article_id=1561).

However, Forum 18 had received no response by the end of 22 December.

Latest repressive laws signed by President

By Felix Corley,

Forum 18 News Service (15.12.2011) / HRWF (19.11.2011) – <http://www.hrwf.net> - Groups of people who produce or distribute religious literature or objects without going

through Azerbaijan's compulsory prior state censorship now face prison terms of two to five years, or maximum fines equivalent to nearly nine years' official minimum wage per person. The amendments to both the Criminal and Administrative Codes, signed into law by President Ilham Aliyev and published on the presidential website on 12 December, represent the third time in three years that punishments for exercising the right to freedom of religion or belief have been widened and increased. The amendments provide punishments for those who violate many bans created in the June 2011 Religion Law amendments.

The widened and increased penalties came into force just after six Jehovah's Witnesses from Gyanja were given massive fines for meeting for worship in a private home. Two Muslims in Absheron District who had hosted a religious meeting in their home were given official warnings.

Azerbaijan has been steadily increasing restrictions on freedom of religion or belief in recent years. In 2009, the Religion Law was twice amended, and new punishments for exercising the right to freedom of religion or belief were introduced into the Criminal Code and the Code of Administrative Offences. In December 2010, fines for religious activity under the Administrative Code were increased up to 20 times from the previous levels.

More amendments to the Religion Law, to increase state control on freedom of religion or belief, were signed into law on 4 July. These amendments, among other restrictions, raised the required number of adult founders for a religious community from 10 to 50, introduced new controls on religious education, and increased the controls that the state requires religious headquarter bodies or centres to have over all communities under their jurisdiction.

New Criminal Code punishments

The latest Criminal Code amendments introduce several new "crimes" to the Code, which was first adopted in 2000 but which has been amended many times since. Such "crimes" – such as distributing uncensored religious literature – had previously only been punished under the Administrative Code. Criminal Code penalties for other existing "crimes" were increased.

Increased censorship

The Criminal Code amendments introduced a new Article 167-2, to punish activity which used to be punished under the Administrative Code. Criminal Code Article 167-2.1 punishes: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation".

Punishments for first time offenders acting alone are a fine of 5,000 Manats (38,110 Norwegian Kroner, 4,900 Euros, or 6,360 US Dollars) to 7,000 Manats (53,370 Norwegian Kroner, 6,840 Euros, or 8,910 US Dollars), or up to two years' imprisonment.

Under Article 167-2.2, such an "offence" by a group of people "according to a prior conspiracy", by an organised group, by an individual for a second time, or by an official, attracts a fine of between 7,000 Manats and 9,000 Manats (68,600 Norwegian Kroner, 8,800 Euros, or 11,450 US Dollars), or imprisonment of between two and five years.

The new fines in both the Criminal Code and the Administrative Code (see below) represent massive sums for most people in Azerbaijan. The presidentially-decreed official minimum wage has been 93.50 Manats (710 Norwegian Kroner, 90 Euros, or 119 US Dollars) per month since 1 December 2011.

The new Administrative Code Article 300.0.3 now punishes one censorship-related "offence": "Selling religious literature, objects and other informational materials of religious content outside specialised sale points without the consent of the relevant executive authority" [i.e. the State Committee]. Distributing or selling "religious literature, articles and other informational materials of religious content" by foreigners has also now been made liable to Administrative Code punishment under Article 300.0.4 (see below).

Azerbaijan has been particularly keen on increasing censorship, for example of booksellers, in recent years.

The censorship-related "crimes" now punished by Criminal Code Article 167-2 were until now punished under Administrative Code Article 300. Article 300.0.1 punished producing, importing or exporting religious literature, religious objects, and other information material without permission from the State Committee for Work with Religious Organisations; Article 300.0.2 punished circulating religious literature, religious objects and information material without State Committee permission; and Article 300.0.3 punished selling religious literature, religious objects and information material in places not approved by the State Committee for the sale of such religious material. With their replacement by Criminal Code Article 167-2 these three "offences have been removed from the Administrative Code.

Increased fines to increase state control

Criminal Code Article 168.1 punishes "Creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it".

Fines under this Article (which from June 2008 had been between 100 and 500 Manats) have now been increased massively to between 7,000 (53,370 Norwegian Kroner, 6,840 Euros, or 8,910 US Dollars) and 9,000 Manats (68,600 Norwegian Kroner, 8,800 Euros, or 11,450 US Dollars). The maximum prison term for this "crime" remains two years.

Also increased by up to 10 times the previous amount are fines under Article 167 for obstructing others from conducting religious rituals. Other penalties of corrective labour remain unchanged. Fines under this Article had already been increased in June 2008. However, Forum 18 knows of no cases when state officials who have broken up religious services or banned them have been brought to court under this Article.

Fines under Criminal Code Article 167-1 for those who force individuals, including children, to take part in religious activity or religious education also increased dramatically. This Article was introduced in May 2009 (see F18News 3 June 2009 http://www.forum18.org/Archive.php?article_id=1305). Fines (previously between 500 and 1,000 Manats) have now risen to between 3,000 Manats (22,870 Norwegian Kroner, 2,930 Euros, or 3,820 US Dollars) and 5,000 Manats (38,110 Norwegian Kroner, 4,900 Euros, or 6,360 US Dollars).

For offences against a young person or by an organised group or an official, fines (previously 1,000 to 2,000 Manats) under Article 167-1 have now risen to between 7,000 (53,370 Norwegian Kroner, 6,840 Euros, or 8,910 US Dollars) and 9,000 Manats (68,600 Norwegian Kroner, 8,800 Euros, or 11,450 US Dollars).

Terms of imprisonment instead of a fine remain at present unchanged, with ordinary people being liable for up to two years' imprisonment, and officials being liable for between two and five years' imprisonment.

As with previous increased restrictions, the vague and wide ranging language used appears to be designed to allow officials the maximum number of possibilities to repress people exercising the right to freedom of religion or belief.

New Administrative Code punishments

In the separate law changing the Administrative Code, Article 300 – which punishes "violation of legislation on freedom of religion" - also saw its range of "offences" widened, though fines remained unchanged. The wording of these Articles often does not specify exactly what activities are covered by these "offences".

Censorship

Now that liability for producing, importing or selling uncensored religious literature has been transferred to the new Criminal Code Article 167-2, with its much heavier penalties, the new Administrative Code Article 300.0.3 now punishes one censorship-related "offence": "Selling religious literature, objects and other informational materials of religious content outside specialised sale points without the consent of the relevant executive authority" [i.e. the State Committee].

Article 300.0.4, which punishes "religious propaganda" by foreigners or people without citizenship, remained unchanged. However, a note was added to this Article to the effect that distributing or selling "religious literature, articles and other informational materials of religious content" as part of this activity is liable to prosecution under the Criminal Code. No specific Criminal Code article is referred to.

Study or visits abroad without state permission

The new Article 300.0.1 punishes: "Sending citizens abroad to study religion or exchanging religious figures without the permission of the relevant executive authority."

Leading Islamic prayers by those who have studied abroad

The new Article 300.0.2 is specifically targeted at the Muslim community and punishes: "Carrying out religious ceremonies and rituals of the religion of Islam by citizens who have gained religious education outside the Republic of Azerbaijan."

This tightens up the 2009 changes to the 2009 Religion Law – introduced almost immediately after the Law itself – which specifically targeted the freedom of religion or belief of Muslims.

Penalties at present unchanged

Penalties under all provisions of Article 300 ("Violation of legislation on freedom of religion") remain unchanged. For the present, they remain:

- for individuals, whether Azeri citizens or foreigners, fines of 2,000 Manats (15,245 Norwegian Kroner, 1,960 Euros, or 2,545 US Dollars) to 2,500 Manats (19,055 Norwegian Kroner, 2,450 Euros, or 3,180 US Dollars);

- for officials, fines of 8,000 Manats (Norwegian Kroner, Euros, or US Dollars) to 9,000 Manats (68,600 Norwegian Kroner, 8,800 Euros, or 11,450 US Dollars);

- and for organisations, fines of 20,000 Manats (152,450 Norwegian Kroner, 19,600 Euros or 25,450 US Dollars) to 25,000 Manats (190,550 Norwegian Kroner, 24,500 Euros, or 31,800 US Dollars).

These fines had been increased up to 20 times under the December 2010 amendments to the Code of Administrative Offences. The December 2010 amendments had also widened the scope and increased the punishments under Administrative Code Article 299 ("violation of the procedure for creating or running religious organisations"), but this Article was not changed in the latest amendments.

Presidential Administration initiative

The two laws amending the Criminal Code and the Code of Administrative Offences were prepared by the Department for Coordination of Law Enforcement Agencies in the powerful Presidential Administration, an official of the Department told Forum 18 in November. They were approved in a joint session of the Milli Mejlis (Parliament) Human Rights Committee and the Legal Policy and State Building Committee on 28 October (see F18News 1 November 2011 http://www.forum18.org/Archive.php?article_id=1632).

Both laws were passed in a single session of the full Milli Mejlis on 15 November. They were presented by Ali Guseinli, chair of the Milli Mejlis Legal Policy and State Building Committee. Deputies of or which support the ruling Yeni Azerbaijan party spoke up strongly for the harsh new punishments, according to local press reports.

"Today in Azerbaijan various religious sects and movements are increasing their propaganda," Ganira Pashaeva told her fellow deputies. "It is necessary to harshen the measures being adopted to put a halt to this." She also complained that individuals are exercising their right to freedom of religion or belief. "One person comes out of prison, another can't find work, so they call themselves religious figures and hold religious events." She insisted the state must take this seriously.

Another deputy, Musa Gasimli, even claimed the amendments were aimed at protecting the rights of religious believers.

Only three deputies failed to vote for the Laws. Most outspoken was Fazil Gazanfaroglu Mustafaev of the Great Formation Party, who complained that they amount to government censorship and a violation of "freedom of speech and freedom of education".

Once approved in the Milli Mejlis, the laws were sent to President Aliev, who signed them into law, the presidential website noted on 12 December.

Necessary, proportionate?

Several members of religious communities denounced the new punishments as they were being considered in parliament. "Insanity is only increasing," one who asked not to be identified told Forum 18. Another – who also asked not to be identified – agreed: "I don't understand what they are trying to do".

Such criticism continued after the Milli Mejlis adopted the laws, including from the Deputy Director of Baku's Media Rights Institute, Khalid Agaliyev, according to Eurasianet of 16 November. He argued that the amendments violate the Constitution's articles 18 ("Religion and state"), 48 ("Freedom of Conscience"), 50 ("Freedom of Information") and 42 ("Right for education"). The measures further violate the European Convention on Human Rights and Fundamental Freedoms (ECHR), to which Azerbaijan is a signatory. The ECHR does not grant a right to restrict religious literature, he noted

"These amendments are already the 14th time that the parliament has changed religious legislation since 2001," Agaliyev told Eurasianet. "And every time, the amendments are about restrictions." He predicted that religious believers or human rights groups would seek to challenge the new Laws in the European Court of Human Rights (ECtHR) in Strasbourg.

The Media Rights Institute followed with a 15 December statement insisting that the state's censorship regime for religious literature violates individuals' human rights. "To issue such heavy penalties simply for exercising the right to freedom of expression cannot be considered proportionate to any legitimate purpose, and in all cases - as a violation of the right to freedom of expression protected by law - will harm the public interest."

Also criticising the new punishments was Ilgar Ibrahimoglu Allaverdiev. The Muslim community he leads was expelled by the police from the Juma Mosque in Baku's Old City in 2004.

"We believe these amendments are completely unwarranted," Ibrahimoglu told Forum 18 from Baku on 14 December. "Their approach is more reminiscent of the Soviet past than contemporary life. We are unambiguously for the full abolition of these Articles of the Criminal and Administrative Codes."

He said distributing religious books without undergoing state censorship was not "socially dangerous" and does not merit criminal punishment, let alone "such a harsh punishment".

Ibrahimoglu also objected to new provisions in the Administrative Code to punish those leading Muslim rituals who have gained their religious education abroad. "This is clearly discriminatory," he told Forum 18.

State Committee defends new punishments

Saleh Aslanov, spokesperson of the State Committee in Baku, refused to explain how the widened and increased penalties for religious activity could be justified. "The State Committee is not a legislative but an executive body," Aslanov told Forum 18 on 14 December. "For this reason we do not comment on court decisions or amendments to laws."

However, a 14 December statement posted on the State Committee website outlined the widened and increased punishments and defended them. "Research shows that violations of the law in this area in many cases are repeated by one and the same religious communities and individuals," the statement declared (without identifying any religious communities). "In many case these religious structures and individuals deliberately violating the provisions of the law, conduct religious propaganda and spread harmful religious literature. The appropriate state structures taking the necessary measures in connection with this are limited to small fines. From this point of view, it can be stated with certainty that improvement of the legal base in the sphere of religious activity will play an important role in preventing illegal religious propaganda, as well as establishing transparency in processes in the religious sphere."

State licences to sell religious books

Under the 2009 Religion Law amendments, new controls were introduced on where and who could sell religious books and introduced a system of licensing. Bookshop owners have long complained that the State Committee has failed to process applications for such licences. Yet officials have repeatedly warned those selling religious books without such licences.

On 30 November, State Committee Chair Hidayat Orujev handed out the first licences to fifteen "specialised sale points", the State Committee website noted that day. Orujev stressed that licensing of sales of religious literature was necessary "to prevent alien influences". He said appropriate rules had been agreed with the Justice Ministry. He claimed that over the previous five years, the situation had been brought under control through "fundamental measures". He said this had sharply reduced the import of harmful religious literature.

Orujev said that in the first eleven months of 2011, his Committee had conducted "expert analyses" of 1,618 religious publications, as well as 167 religious manuscripts. He said the import of 43 harmful publications had been prevented.

Forum 18 asked the State Committee in writing in the afternoon of 14 December for a list of religious books which have failed to pass through its censorship. By the end of 15 December Forum 18 had received no response.

One religious community which has tried to challenge the State Committee's literature censorship decisions are the Jehovah's Witnesses. They currently have nine cases against the State Committee in various courts. "All the court decisions have been negative except one," they told Forum 18 on 14 December. While welcoming the one positive decision, they note that the State Committee has challenged this to the Appeal Court. No date has yet been set for the hearing.

Muslim Board complies with state pressure

The state-tolerated Caucasian Muslim Board – the only Muslim entity legally allowed to have Muslim communities – has complied with State Committee instructions to amend its statute. Head of the State Committee Orujev instructed the Muslim Board to amend its statute on 28 July. He said that the Board had not amended its statute after changes to the Religion Law in 2009 and needed "certain revision". He pointed out that the 2011 Religion Law amendments clearly subordinated all Muslim communities in Azerbaijan to the Board (as has long been the case) and the statute did not reflect its new powers. Orujev also complained about different calendars and services in mosques (see F18News 25 August 2011 http://www.forum18.org/Archive.php?article_id=1604).

Local news agencies reported on 30 November that the Muslim Board's statute now subordinates all Muslim communities in Azerbaijan to it. No-one from the Board was available to discuss the amended statute with Forum 18 on 15 December.

State Committee spokesperson Aslanov denied to Forum 18 in August that Orujev's demands represented state interference in the internal affairs of the Muslim community.

Massive fines and warnings for meeting for worship

By Felix Corley,

Forum 18 News Service (14.12.2011) / HRWF (19.11.2011) – <http://www.hrwf.net> - Six Jehovah's Witnesses in Azerbaijan's second city Gyanja [Gäncä] were given heavy fines for meeting for worship without the compulsory state registration, Forum 18 News Service has learnt. Only one of the fines was reduced at Gyanja Appeal Court today (14 December), leaving the total of the fines at 9,500 Manats (72,330 Norwegian Kroner, 9,300 Euros, or 12,090 US Dollars). This was described to Forum 18 as a "massive sum"

by local standards. One of those fined, Rashad Niftaliev, has within a twelve-month period now been fined a total of 3,650 Manats (27,790 Norwegian Kroner, 3,570 Euros, or 4,650 US Dollars) for exercising his freedom of religion or belief.

Meanwhile, in Absheron Region near the capital Baku, two Muslims were given official warnings for similarly meeting to discuss their faith in a private home without state registration.

The minimum monthly wage has been 85 Manats (650 Norwegian Kroner, 80 Euros, or 108 US Dollars) from 1 September 2010, and rose to 93.50 Manats (710 Norwegian Kroner, 90 Euros, or 119 US Dollars) per month from 1 December 2011.

The fines and official warnings came just before amendments to both the Criminal and Administrative Codes increased yet further the fines for exercising the right to freedom of religion or belief.

Leonid Moroz, who heads Baku's Jehovah's Witness community, expressed concern about the raids and massive fines in Gyanja, which he called "a continuation of the State's attempts to eradicate the peaceful religious activity of Jehovah's Witnesses" in the city. "We are concerned that such attacks could spread to other cities in Azerbaijan, including Baku."

"An executive body"

Forum 18 asked Saleh Aslanov, spokesperson of the State Committee for Work with Religious Organisations in Baku, how such massive fines on the six Jehovah's Witnesses in Gyanja and official warnings given to two Muslims in Absheron District simply for meeting with others to discuss their faith could be justified. Forum 18 also asked why penalties had been widened and increased for religious activities for the third time in three years.

"The State Committee is not a legislative but an executive body," Aslanov replied to Forum 18 on 14 December. "For this reason we do not comment on court decisions or amendments to laws."

Ever wider "offences" and heavier punishments

Azerbaijan has been steadily increasing restrictions on freedom of religion or belief in recent years. In 2009 the Religion Law was twice amended, and new punishments for exercising the right to freedom of religion or belief were introduced into the Criminal Code and the Code of Administrative Offences. In December 2010, fines for religious activity under the Administrative Code were increased up to 20 times from the previous levels. Eldar Zeynalov of the Human Rights Centre of Azerbaijan stated that the newly increased fines are "massive", noting that those fined, especially rural residents without access to higher-paid work in Baku, will struggle to pay them.

More amendments to the Religion Law, to increase state control on freedom of religion or belief, were signed into law on 4 July. These amendments raised the required number of adult founders for a religious community from 10 to 50, introduced new controls on religious education, and increased the controls that the state requires religious headquarter bodies or centres to have over all communities under their jurisdiction.

The latest amendments to both the Criminal and Administrative Codes, including new "offences" and further massive increases in fines for exercising the right to freedom of religion or belief, were signed into law on 12 December by President Ilham Aliiev. This represents the third time in three years that punishments for exercising freedom of religion or belief have been widened and increased.

"The Government supports all efforts to protect religious freedoms" ?

Azerbaijan's restrictions on freedom of religion or belief have been repeatedly criticised by inter-governmental organisations of which the country is a member. For example Thomas Hammarberg, the Council of Europe Commissioner for Human Rights, has strongly criticised the country's state registration procedures and practices. Exercising freedom of religion without state registration is illegal, against international human rights standards. Similarly, the European Commission against Racism and Intolerance (ECRI) described the country's restrictions as "incompatible" with European Court of Human Rights (ECtHR) case law.

In its most recent response to Hammarberg of the Council of Europe, the government brushed off any criticism. "The religious policy of the Government is based on international norms and principles, international conventions to which Azerbaijan has acceded as well as the Constitution and other legal acts of the Republic of Azerbaijan," it claimed in a reply published on the Council of Europe website on 29 September. "The Government supports all efforts to protect religious freedoms in the country and all over the world."

Raid

On the morning of Sunday 20 November, police in Gyanja's Kapaz District raided the private home of Sadagat Abbasova, where about 40 people had gathered for a Jehovah's Witness meeting. Six Jehovah's Witnesses – the homeowner Abbasova, as well as Rashad Niftaliev, Asim Mammadov, Vugar Abishov, Famila Valieva, and Mardan Mammadov - were then taken to Kapaz District Police station.

All six were then taken to Kapaz District Court, even though it was Sunday afternoon. The six were brought to trial under Article 299.0.2 of the Code of Administrative Offences, which punishes "violating state procedures for holding religious meetings or events".

Another raid and official warnings

The raid on the Jehovah's Witnesses in Gyanja is not the only recent raid on people exercising the right to freedom of religion or belief. On the evening of 1 December a group of about 40 people had gathered in a private home in Absheron District near Baku. They were discussing their Muslim faith with the help of the works of the late Turkish Muslim theologian Said Nursi, their friends told Forum 18 from Baku on 5 December. Local police arrived and took about 40 people to the local police station, where they forced them to write statements about what they had been doing before they allowed them to leave.

The following day, 2 December, the two home owners were brought to Absheron District Court, where Judge Rahim Pashayev handed down official warnings that they were violating several Articles of the Code of Administrative Offences. On 12 December, an appeal was lodged to Sumgait Appeal Court against the official warnings, even though the lower court had still not issued the warnings in writing.

"With the goal of a conspiracy"

However in Gyanja the authorities prosecuted the Jehovah's Witnesses with the aim of imposing large fines. Shamistan Kerimov, the Deputy Head of Kapaz District Police, told Kapaz District Court that each one of the Jehovah's Witnesses had attended an "illegal" meeting on the morning of 20 November.

Firdovsi Kerimov, the head of the Gyanja office of the State Committee for Work with Religious Organisations, insisted to the Court that the Jehovah's Witness meeting was illegal as they did not have registration, according to the verdicts seen by Forum 18. He complained that they "with the goal of a conspiracy, were changing the places and conducted unlawful congregations at various addresses. Despite the fact that they were warned in administrative procedure and verbally, they continued to violate the law."

"The reality is that Jehovah's Witnesses do not have registration in Gyanja because the State Committee has repeatedly refused to grant it," Jehovah's Witnesses complained. "The first application was denied for alleged technical deficiencies, and their latest application, filed with the State Committee on 8 June 2011, has never been answered."

Fines

Judge Nuru Guliyev found all six guilty and sentenced each separately, according to the verdicts. Abbasova and Niftaliev were each fined 2,000 Manats (15,245 Norwegian Kroner, 1,960 Euros or 2,545 US Dollars). Valieva, Abishov, Asim Mammadov and Mardan Mammadov were each fined 1,500 Manats (11,440 Norwegian Kroner, 1,470 Euros or 1,910 US Dollars).

Third fine in twelve months

For Niftaliev, this was the third time in a twelve month period he has been fined under the same Article of the Code of Administrative Offences for exercising his freedom of religion or belief. He was among a group of Jehovah's Witnesses punished in a late-night hearing in December 2010 after a police raid. He was fined 150 Manats (1,035 Norwegian Kroner, 133 Euros or 191 US Dollars).

In June 2011 Niftaliev was again fined 1,500 Manats (10,350 Norwegian Kroner, 1,330 Euros or 1,910 US Dollars), following a raid on a Jehovah's Witness meeting in Gyanja because they do not have the compulsory state registration. An official of the State Committee defended its officials' participation, claiming raids were "in accordance with the law". Niftaliev is one of four Jehovah's Witnesses whose appeals against their administrative convictions following the raid were rejected in mid-July, and who are considering taking their cases to the ECtHR in Strasbourg. Three of the four were given heavy fines by a court in Gyanja, and the fourth was officially warned.

The four were punished under Administrative Code's Article 299 ("Violation of the procedure for creating or running religious organisations"), which punishes a wide range of "offences", including meeting for worship without state permission. In December 2010, sharp increases in fines were introduced for all violations of Article 299, as well as fines for religious activity under Article 300 ("Violation of legislation on freedom of religion") of the Code.

The 20 November verdict in Niftaliev's latest case records Deputy Police Chief Kerimov as noting that "despite the fact that he has been warned several times and has been given verbal warnings, he continued to violate the law". Kerimov added that Niftaliev "was aware of the fact that the conducting of such congregations in the city of Gyanja was unlawful".

Appeal

On 14 December, various judges at Gyanja Appeal Court heard the appeals of the six Jehovah's Witnesses against the November massive fines, according to the court website. Jehovah's Witnesses told Forum 18 that the fine on the homeowner Abbasova was reduced from 2,000 Manats (15,245 Norwegian Kroner, 1,960 Euros or 2,545 US Dollars)

to 1,500 Manats (11,440 Norwegian Kroner, 1,470 Euros or 1,910 US Dollars). However, all the other fines remained unchanged.

Forum 18 was unable to reach any of the judges who heard the Jehovah's Witness appeals.

Religious freedom blackspot

Gyanja has been a particularly difficult place for religious communities to operate. The State Committee representative ordered three religious communities which did not have legal status to close in March. One, Star of the East Pentecostal Church, was visited by two bus loads of riot police and ordinary police to stop them meeting for worship. Also, the only Sunni mosque in the city was forcibly closed by the state.

At least two of the religious communities banned from meeting still cannot meet for worship, community members told Forum 18 separately on 1 November. One of the religious communities banned from meeting by State Committee official Kerimov still cannot use their place of worship because it is unregistered, a member of the same community in Baku told Forum 18 on 7 December. "Only last week there were guests from the police, and such visits are common."

A member of another religious community said that their fellow-believers in Gyanja remain "absolutely banned" from meeting for worship. "The new registration rules require 50 people as founders, together with copies of their identity cards," the individual told Forum 18 on 5 December. "But people are frightened and in fear of the authorities." The individual saw "little hope" for improvement.

Forum 18 was unable to find out from State Committee official Kerimov why he had testified in court against the six Jehovah's Witnesses and why he had banned religious communities from meeting in his city. Each time Forum 18 reached him on 14 December he put the phone down.

Forum 18 spoke to Deputy Police Chief Kerimov on 14 December. However, as soon as Forum 18 asked why Kapaz District Police officers had raided the Jehovah's Witness meeting and why he had testified in court against them, Kerimov claimed not to be able to hear well and put the phone down. All subsequent calls went unanswered.

Bookshops selling religious literature in the city have also been the target of the State Committee's activities, as they are responsible for the compulsory state censorship of all religious literature and objects. Kerimov, as local representative of the State Committee for western Azerbaijan, in March searched seven religious bookshops in the city, complaining that they were all operating without the necessary state licence.

Up to five years' imprisonment for uncensored religious literature?

By Felix Corley

Forum 18 (01.11.2011) / HRWF (04.11.2011) – <http://www.hrwf.net> - Groups of people who produce or distribute religious literature without going through Azerbaijan's compulsory prior state censorship of all religious literature could soon face prison terms of two to five years, or maximum fines of nearly nine years' official minimum wage per person, Forum 18 News Service has learnt. This is one of several new punishments or harsher existing punishments for a range of religious activities included in proposed

amendments to both the Criminal Code and the Code of Administrative Offences. Parliament, the Milli Mejlis, is likely to approve the amendments in mid-November, parliamentary sources told Forum 18. Also due to be introduced are punishments for those leading Muslim prayers who have received their religious education abroad.

"Insanity is only increasing"

"Insanity is only increasing," one member of a religious community who asked not to be identified told Forum 18. Another - who also asked not to be identified - agreed: "I don't understand what they are trying to do." Azerbaijan has repeatedly amended its laws - usually with little notice or public discussion and secrecy surrounding texts - to restrict the exercise of the right to freedom of religion or belief and other human rights. For example the Religion Law has been amended 13 times, most recently in June.

The amendments were approved in a joint session of the Parliament's Human Rights Committee and the Legal Policy and State Building Committee on 28 October, Mushfiq Jafarov of the Human Rights Committee staff told Forum 18 from the capital Baku on 31 October. They were then sent for consideration by the full Milli Mejlis.

The telephone of Rabiyyat Aslanova, a deputy of the ruling Yeni Azerbaijan (New Azerbaijan) Party who chairs Parliament's Human Rights Committee, was engaged or went unanswered each time Forum 18 called on 31 October and 1 November.

Latif Huseynov of Parliament's Constitutional Law Department told Forum 18 that he expects the two laws to be approved in mid-November in one reading. Another parliamentary source specified 15 November as the likely date for approval.

The amendments seem set to be approved, as Parliament is dominated by Yeni Azerbaijan Party deputies. Like previous amendments increasing fines, the latest amendments appear to be designed to increasing fines for exercising the right to freedom of religion or belief to a level far beyond the ability of many people in Azerbaijan to pay them.

Presidential Administration initiates amendments

The two laws amending the Criminal Code and the Code of Administrative Offences were prepared by the Department for Coordination of Law Enforcement Agencies in the powerful Presidential Administration, an official of the Department told Forum 18 from Baku on 1 November. The Department is headed by Fuad Aleskerov.

The Department official declined to answer any questions about the amendments by telephone, asking for them to be submitted in writing. Forum 18 asked in writing why further punishments are being introduced for religious activity which violate Azerbaijan's Constitution and its international human rights commitments, and why the Department for Coordination of Law Enforcement Agencies considers such new punishments for religious activity necessary. No response had been received by the end of the working day in Baku on 1 November.

"It is not right for the government to impose such controls"

Fazil Gazanfaroglu Mustafaev, a parliamentary deputy and chair of the Great Formation Party, who is a member of the Milli Mejlis Human Rights Committee, told Forum 18 he was the only deputy to speak up against these proposed new laws on 28 October.

Mustafaev particularly criticised the state's religious censorship and the new proposed penalties for publishing or distributing unapproved religious literature. He also criticised the ban on and punishments for those who conduct Muslim rituals who have studied their

faith abroad. "People should be able to conduct rituals freely and read whatever they like," he told Forum 18 on 31 October. "It is not right for the government to impose such controls."

Mustafaev also noted that the Islamic community is singled out for particular control over who can conduct rituals. "This doesn't affect other faiths, and so is also a violation of the equality of religious communities."

The ban on leading Islamic rituals by those who have studied their faith abroad was introduced into Article 21 of the Religion Law in amendments which came into force in July 2009.

This provision was introduced despite Article 18 of Azerbaijan's Constitution, which includes the commitment: "All religions are equal before the law".

New Criminal Code punishments

According to the draft text of the proposed Criminal Code amendments seen by Forum 18, several new "crimes" are to be introduced to the Criminal Code, which was first adopted in 2000 but which has been amended many times since. Such "crimes" - such as distributing uncensored religious literature - had previously only been punished under the Administrative Code. Criminal Code penalties for other existing "crimes" are set to be increased.

- Increased censorship

The proposed Criminal Code amendments would introduce a new Article 167-2. Article 167-2.1 would punish: "Production, sale and distribution of religious literature, religious items and other informational materials of religious nature with the aim of import, sale and distribution without appropriate authorisation".

Punishments for first time offenders acting alone would be a fine of 5,000 to 7,000 Manats or up to two years' imprisonment. Under Article 167-2.2, such an "offence" by a group of people "according to a prior conspiracy", by an organised group, by an individual for a second time or by an official would attract a fine of between 7,000 and 9,000 Manats or imprisonment of between two and five years.

Fines of up to 9,000 Manats represent massive sums for most people in Azerbaijan (1,000 Manats is equivalent to 7,220 Norwegian Kroner, 930 Euros or 1,270 US Dollars). The presidentially-decreed official minimum wage has been 85 Manats (605 Norwegian Kroner, 80 Euros or 110 US Dollars) per month since 1 September 2010.

Azerbaijan has been particularly keen on increasing censorship, for example of booksellers, in recent years.

- Increased fines to increase controls

Article 168.1 punishes "Creation of a group carrying out activity under the pretext of spreading a religious faith and carrying out religious activity and by this illegally harming social order, or harming the health of citizens or violating the rights of citizens irrespective of the form of infringement, as well as distracting citizens from performance of duties established by law, as well as leadership of such a group or participation in it".

Fines under this Article (currently between 100 and 500 Manats) are set to increase massively to between 5,000 and 7,000 Manats. The maximum prison term under this Article remains two years. Fines under this Article had already been increased in June 2008.

Also set to increase at least ten-fold are fines under Article 167 for obstructing others from conducting religious rituals. Other penalties of corrective labour remain unchanged. Fines under this Article had already been increased in June 2008. However, Forum 18 knows of no cases when state officials who have broken up religious services or banned them have been brought to court under this Article.

Fines under Article 167-1 for those who force others to conduct religious rituals are set to increase dramatically. Fines (currently between 500 and 1,000 Manats) will rise to between 3,000 and 5,000 Manats. For offences against a young person or by an organised group or an official, fines (currently 1,000 to 2,000 Manats) will rise to 7,000 to 9,000 Manats. Terms of imprisonment remain unchanged. The Article was introduced into the Criminal Code in May 2009.

As with previous increased restrictions, the vague and wide ranging language used appears to be designed to allow officials the maximum number of possibilities to repress people exercising the right to freedom of religion or belief.

- Increased restrictions on foreigners?

Local press reports on 28 October also spoke of new criminal penalties for foreign citizens and those without citizenship who conduct "religious propaganda". This is already an "offence" under the Administrative Code which can lead to fines and deportation. However, in the text of the Criminal Code amendments seen by Forum 18, no such new criminal "offence" was included.

New or increased Administrative Code punishments

Forum 18 has been unable to acquire the text of the proposed amendments to the Administrative Code.

- Increased punishments for Islamic education abroad

However, according to local press reports, Administrative Code Article 300 is to be amended to include new or increased punishments for: sending individuals abroad for religious education without approval from the State Committee; the exchange of religious personnel; and conducting of Muslim rituals by citizens who have gained their religious education abroad. This reinforces restrictions imposed in 2009 on those who have studied Islam outside Azerbaijan.

Article 300 already punishes: "religious propaganda" by foreigners or stateless persons; selling religious books and materials which have not been subjected to the compulsory State Committee censorship; and selling religious books and materials in venues not approved by the State Committee. Massively increased fines for these "offences" were signed into law in December 2010.

It appears that Administrative Code Article 299 is not due to be amended. This Article, which is frequently used, punishes "violation of the procedure for creating or running religious organisations", which includes a wide range of "offences", including meeting for worship without state permission.

Repeated harshening of Administrative Code

Like the Criminal Code, the Administrative Code has also been amended many times since its adoption in 2000.

Fines under Article 299 were increased in June 2008, while in May 2009 further "offences" were introduced and fines increased. In December 2010 the Article was amended once more to increase fines further.

Similarly, fines under Article 300 were increased in June 2008, while in May 2009 further "offences" were introduced and fines increased. In December 2010 the Article was amended once more to increase fines further.

Communities still wait for registration

The latest proposed punishments are part of ever-tightening state control on all religious activity. The Religion Law, first adopted in 1992, has been amended 13 times, the state legal website notes. The most recent amendments came into force in July 2011.

Hundreds of religious communities are still waiting for registration or re-registration with the State Committee for Work with Religious Organisations. Re-registration was mandated by the 2009 Religion Law amendments and should have been completed by the end of 2009.

State Committee officials told the Azeri Press Agency (APA) on 7 October that 570 religious communities had received registration or re-registration. However, as of the end of the working day on 1 November, only 543 were listed on the State Committee website. State Committee spokesperson Saleh Aslanov claimed to Forum 18 that day that details of the latest re-registered communities were about to be posted to the website. He refused to identify the communities which the State Committee claims have been newly registered or why the re-registration process has been so slow.

Officials also claimed to APA on 7 October that of the 30 communities denied registration because of alleged faults with their documentation, two had subsequently gained registration. They also admitted that applications from 191 Muslim communities had been returned to the Caucasian Muslim Board "for it to bring them into line with the law".

Aslanov told Forum 18 that these communities had only ten founders, while the 2011 Religion Law amendments now require 50 adult founders. Religious communities told Forum 18 at the time that they feared this would be used retroactively to reject applications submitted back in 2009 but not yet approved.

State Committee spokesperson Aslanov refused to discuss with Forum 18 whether it was right to apply the law retroactively, given that at least some of these communities had submitted their applications in 2009 when the requirement was ten founders. "How do you know when these communities submitted their applications?" He then refused to answer any further questions by telephone.

Legal challenges fail to secure re-registration

Two religious communities - Cathedral of Praise Protestant Church and Baku's Jehovah's Witness community - are known to have challenged the State Committee's failure to re-register them through the courts.

On 12 September, Judge Azad Imanov of Baku Appeal Court rejected the Jehovah's Witness community's latest suit against the State Committee, the court website noted. Jehovah's Witnesses told Forum 18 on 1 November that they will challenge the rejection once again to the Supreme Court. "Drawn-out legal proceedings and contradictory judicial decisions have left Jehovah's Witnesses in Azerbaijan in a state of uncertainty," they complained.

In July 2010 the Jehovah's Witness community first challenged the denial of registration at Sabail District Court - the local Baku court for the State Committee where such suits are initially heard. This was unsuccessful and the community's first appeal to Baku Appeal Court was rejected in January 2011. Jehovah's Witnesses lodged a further appeal, and in May the Supreme Court overturned the lower court decision, sending the case back to Baku Appeal Court. Judge Imanov began hearing the appeal on 11 July.

By contrast, Cathedral of Praise finally won its suit against the State Committee in Baku Appeal Court on 27 July. The judge ordered the State Committee to register the community.

However, church members told Forum 18 on 1 November that the State Committee has not re-registered the community.

Still can't meet for worship

At least two religious communities banned from meeting in Azerbaijan's second city Gyanja [Gäncä] in March still cannot meet for worship, community members told Forum 18 separately on 1 November.

In mid-March, State Committee local representative Firdovsi Kerimov warned the Star of the East Pentecostal Church and a Baptist congregation, as well as the New Apostolic Church not to meet for worship as they do not have state registration. Ordinary police and riot police raided Star of the East Church on 20 March to reinforce the warning and prevent Sunday worship from going ahead. A Sunni Muslim mosque in the city has also been closed down.

Bookshop censorship

During the 28 October Milli Mejlis consideration of the proposed Criminal and Administrative Code amendments, Aslanova of the Human Rights Committee also claimed that 52 specialised shops selling approved religious literature would soon be opened, APA noted that day. APA did not say who would be opening these shops.

State licences to sell religious literature were made mandatory in the 2009 Religion Law amendments. Shops selling religious books are often raided and have unapproved books confiscated. Booksellers are often given official warnings, as happened to a man selling books in the courtyard of one of Gyanja's mosques.

Aslanova also claimed to the Milli Mejlis committees that Chiraq bookshop in central Baku - which sells English-language books, including some Christian titles - "operates without any kind of permission". Some of the books "propagate Christianity", she complained, according to APA. Aslanova had visited the shop in late September and told staff that the shop should not be allowed to exist.

However, like all other shops, Chiraq can only sell religious books which the State Committee has approved for publication or import.

Court rules against State censorship of religious literature

JW Official Website (03.11.2011) / HRWF (09.11.2011) - <http://www.hrwf.net> - The Baku Administrative-Economic Court No. 1 made an unprecedented ruling against the government's censorship of religious literature of Jehovah's Witnesses on September 9,

2011. For many years, State censorship in Azerbaijan has seriously limited Jehovah's Witnesses' lawful access to religious publications essential to their worship.

Judge Tahira Asadova's decision obliges the State Committee for Work with Religious Associations (SCWRA) to allow importation, in the quantities requested, of all the publications at issue in the case. This includes the December 15, 2010, issue of The Watchtower that the SCWRA had previously banned. The court concluded that nothing in the magazine incited the use of force against others or encouraged religious hostility or enmity. Rather, it found that the journal simply contained thoughts regarding doctrines of other religions, which are a manifestation of religious belief protected under the Constitution of the Azerbaijan Republic and the European Convention on Human Rights (ECHR). The ruling also relied on the case law of the ECHR, including *Kokkinakis v. Greece*, which held that religious freedom is not only a matter of individual conscience but also the freedom to "manifest one's religion."

To date, the SCWRA has refused to allow the importation of more than 30 different religious publications of Jehovah's Witnesses. Moreover, when the SCWRA does grant permission to import literature, it arbitrarily limits the quantity of each publication Jehovah's Witnesses may import. In its September 9 decision, the Administrative-Economic Court found that the SCWRA had failed to justify why it placed such limitations on the quantity allowed for importation.

Despite this clear message, the SCWRA has not let up in its censorship of religious literature. In the last two months, the SCWRA has continued to restrict the quantity of publications Jehovah's Witnesses can import into the country—the same publications the SCWRA has found to contain nothing harmful. The SCWRA has systematically reduced the importation quantities allowed by anywhere from 30 to 80 percent of the requested amount.

Victims to challenge "exorbitant" fines to Strasbourg?

By Felix Corley

Forum 18 News (25.08.2011) / HRWF (29.08.2011) - <http://www.hrwf.net> - Four Jehovah's Witnesses, whose appeals against their administrative conviction for meeting to discuss their faith were rejected in mid-July, are considering taking their cases to the European Court of Human Rights (ECtHR) in Strasbourg, Jehovah's Witnesses told Forum 18 News Service on 24 August. Three of the four were given heavy fines by a court in Azerbaijan's second city Gyanja [Gäncä] and the fourth officially warned. "The exorbitant fines for attending peaceful religious meetings of Jehovah's Witnesses are a serious violation of Azerbaijan's Constitution and the European Convention on Human Rights, of which Azerbaijan is a signatory," Jehovah's Witnesses complained to Forum 18.

Though others have been fined in 2011 for religious activity, these are the first cases known to Forum 18 when the massively-increased penalties for religious activity introduced in December 2010 have been imposed. "The increased fines impose a heavy burden on religious minorities endeavouring to practice their religion, most being unable to pay such fines," Jehovah's Witnesses added.

The four were punished under Code of Administrative Offences Article 299 ("violation of the procedure for creating or running religious organisations"), which punishes a wide range of "offences", including meeting for worship without state permission. In December 2010, sharp increases in fines were introduced for all violations of Article 299, as well as fines for religious activity under Article 300 of the Code.

Rabiyat Aslanova, chair of parliament's Human Rights Committee who voted in favour of the increased fines in December 2010, said she was unaware of the punishments handed down to the Jehovah's Witnesses in Gyanja. "But it can't have been because they held prayers in a private home," she insisted to Forum 18 on 25 August. "There must have been something else." She said she was abroad for treatment, but when she returned to Azerbaijan she would be happy to meet the punished Jehovah's Witnesses "if they want".

On 25 August, Saleh Aslanov, spokesperson for the State Committee for Work with Religious Organisations, declined any immediate comment. By the end of the working day in Baku on 25 August, Forum 18 was still waiting for a response to its written questions as to why people are being punished with heavy fines for their religious activity.

By contrast, on 5 August a judge in the central town of Mingeçaur rejected a similar administrative case against two Muslims who read the works of the late Turkish Muslim theologian Said Nursi, fellow Nursi readers told Forum 18.

Massive fines

The four Jehovah's Witnesses - Rashad Niftaliev, Teymur Valiev, Yegana Gahramanova and Rana Sadigova - were tried on 13 June at Gyanja's Nizami District Court. Judge Gunduz Shirinov found them guilty of violating Article 299.0.2 of the Code of Administrative Offences ("Infringement of the regulations on organising religious meetings or events"). Niftaliev was fined 1,500 Manats (10,351 Norwegian Kroner, 1,328 Euros or 1,908 US Dollars), while Gahramanova and Sadigova were each fined 500 Manats (3,453 Norwegian Kroner, 443 Euros or 636 US Dollars). Valiev was given an official warning rather than a fine, partly because he is a second category disabled person.

The presidentially-decreed official minimum wage has been 85 Manats per month since 1 September 2010. Niftaliev's fine therefore represents nearly 18 months' minimum wages, while Gahramanova and Sadigova's fines represent nearly six months' minimum wages each.

This is the second time in six months that Niftaliev, Valiev and Gahramanova have been convicted under the same Administrative Code Article for their religious activity. They were among a group of Jehovah's Witnesses punished in a late-night hearing on 18 December 2010 after a police raid.

In the wake of the 13 June convictions, the four appealed to Gyanja Appeal Court. In a series of hearings on 11 July, Judge Jeyhun Ahmedov rejected Niftaliev's appeal, Judge Chingiz Mammedov rejected Valiev's and Gahramanova's appeals, and Judge Rashid Maharramli rejected Sadigova's appeal, the Appeal Court website noted.

The written verdicts record that the Appeal Court decisions are final and cannot be appealed further, Jehovah's Witnesses told Forum 18. This means that as all domestic remedies are exhausted, the four are able to take a case direct to the ECtHR in Strasbourg.

"Only registered communities can meet"

The most recent trouble began for the four Jehovah's Witnesses on the morning of 12 June, the day before the court hearing. About forty people were present when the community's regular weekly meeting at Gahramanova's Gyanja home was raided. After the meeting ended, Firdovsi Kerimov, the local official of the State Committee, entered Gahramanova's home without permission and ordered everyone, including the elderly and infirm, to remain until the police arrived.

At 11.30 am, the police took all those present to the police station for questioning, detaining some for almost ten hours.

At the police station and in court, officials explained to the Jehovah's Witnesses that their meetings are illegal because only state-registered religious structures can hold religious meetings under Article 12 of the Religion Law.

The Gyanja community lodged its first application for registration to the State Committee in July 2010, but this was rejected on technical grounds on 2 August 2010. The community resubmitted the application on 8 June 2011, just days before the raid. However, the State Committee has not yet processed this second application.

Lokbatan raids

Police in Lokbatan, a district of the capital Baku, also raided and broke up several Jehovah's Witness meetings in private homes between April and June, Jehovah's Witnesses told Forum 18. On 9 June, police brought charges under Administrative Code Article 299 against one home owner. However, Garadagh District Court returned her case to the police, after finding that her procedural rights had been violated during the investigation. The case had not returned to court as of 24 August, Jehovah's Witnesses told Forum 18.

Acquittal by "good" judge

On 5 August a judge in Mingechaur acquitted two Muslim readers of the works of Said Nursi. The two women were facing charges under Article 299.0.2 of the Code of Administrative Offences. "The judge was good, and wrote that everyone has the right to gather in their home and read books, including the Koran," fellow Nursi readers told Forum 18 on 19 August. "The judge also ordered that the confiscated religious literature be returned." The books were due to be returned once the judgment entered into force.

Trouble began for the two women when local police raided a private home owned by a Nursi reader in Mingechaur on 6 May. A disc with the text of the Koran as well as three booklets by Nursi were among the items confiscated.

State Committee interfering in Muslim affairs?

Meanwhile, Hidayat Orujev, the head of the State Committee, has instructed the state-backed Caucasian Muslim Board to amend its statute, as he told its Council of Kazis in Baku on 28 July at a meeting to mark the imminent start of the Muslim holy month of Ramadan. He said that the Board had not amended its statute after changes to the Religion Law in 2009. Although the statute contained no "fundamental contradictions with the Law", he said, it needed "certain revision". He pointed out that the Religion Law amendments clearly subordinated all Muslim communities in Azerbaijan to the Board and the statute did not reflect its new powers.

Orujev also complained that different mosques follow different calendars for Muslim festivals which "confuses people". "During Ramadan some contradictions emerge between Sunnis and Shias about the time when the month starts and when to hold namaz [prayers] and iftars [meals after sunset to break the Ramadan fast]," local news agencies quoted him as telling the Council of Kazis. He described this as "unacceptable".

Orujev went on to complain that some Shia mosques banned local Sunni Muslims from holding Tarawih night prayers during Ramadan, while some Sunni mosques banned local Shias from holding Shia Ashura commemorations during the month of Muharram. "This is

not right. Ramadan is the month of unity and brotherhood. Such occurrences are unacceptable." He said official warnings are given in such cases.

Aslanov, the State Committee spokesperson, rejected suggestions that when Muslim communities choose to mark festivals and what prayers or other religious events they hold is a question for the communities, not for the state. He insisted to Forum 18 that Orujev's calls for changes to the Board's statute and complaints about different calendars and services in mosques did not represent "interference" in the Muslim community's internal affairs.

Salman Musaev, deputy head of the Muslim Board, declined to comment to Forum 18 on 25 August on Orujev's instructions to the Muslim community. He referred all questions to the Board's Press Service. However, spokesperson Rahima Dadasheva was on holiday.

Re-registration was halted

Many religious communities of a variety of faiths – including Muslims outside the framework of the Muslim Board, Protestant Christians and Jehovah's Witnesses – have repeatedly expressed frustration at the State Committee's refusal to register or re-register them. Compulsory re-registration was imposed with the 2009 Religion Law changes, which was supposed to have been completed by the end of that year.

As of 25 August, a total of 543 religious communities are listed on the State Committee website as having registration: 524 Muslim communities, plus 19 communities of other faiths (6 Jewish, 3 Molokan, 2 Baha'i, 2 Georgian Orthodox, 1 Russian Orthodox, 1 New Life Protestant, 1 Lutheran, 1 Albanian Udi Christian, 1 Catholic and 1 Hare Krishna). Only 33 have been registered so far in 2011, all of them in July.

For the first time known to Forum 18, Orujev of the State Committee has revealed why no religious communities gained registration or re-registration between December 2010 and July 2011.

In his 28 July address to the Council of Kazis, Orujev admitted that 219 Muslim communities are awaiting registration and confirmed that the process had been halted because it knew that the Religion Law was going to be amended again. He stressed that the latest changes have increased the number of founders a religious community needs from 10 to 50.

As well as increasing the required number of founders, the summer 2011 Religion Law changes introduced new controls on religious education, and increased the controls that the state requires religious headquarter bodies or centres to have over all communities under their jurisdiction. The amendments especially apply this to the state-backed Caucasian Muslim Board, to which all Muslim communities must belong.

The amendments – the 13th time the Religion Law has been amended since it was originally adopted in 1992 – were approved by Parliament on 10 June. They were signed into law by President Ilham Aliiev and published on 4 July.

Court victory – but no registration yet

Two religious communities are known to have challenged the re-registration denial in the courts. After more than a year of court hearings, Baku's Cathedral of Praise Protestant Church finally won its case at Baku Appeal Court on 27 July, when Judge Ismail Veliyev ordered the State Committee to register the community.

Although the Appeal Court website notes the Church's victory in the case, as of 25 August the Church had still not received the written court decision. "As soon as we have

the written decision we can go to the State Committee and ask them to register us," church members told Forum 18 from Baku on 25 August

Baku's Jehovah's Witness community – which has also been seeking legal redress for the denial of re-registration for more than a year – is still challenging the State Committee's rejection through the courts. Its case at Baku Appeal Court is due to continue on 12 September, the Appeal Court website notes.

The Appeal Court case – the second for the community – began under Judge Azad Imanov on 11 July. A second hearing was held on 1 August.

Aslanov of the State Committee denies that the re-registration process was slow, even though communities seeking re-registration lodged their applications back in 2009. "It may seem slow to you, but the process is continuing," he insisted to Forum 18. "The deadline of the end of 2009 was for communities to lodge re-registration applications, not for the State Committee to re-register them." Asked about the hundreds of communities which are awaiting registration or re-registration, he responded: "Maybe there was something wrong with their documents."

Warned for meeting without state permission, legal status applications still delayed

By Felix Corley

Forum 18 News (27.07.2011) / HRWF (22.08.2011) – <http://www.hrwf.net> - After a police raid in Azerbaijan's port city of Sumgait [Sumqayit] in mid-June, a judge gave the leader of a Baptist church Pavel Byakov a verbal warning not to meet for worship without state registration. The judge also warned that for a second "offence" Byakov will be fined, church members who asked not to be named for fear of state reprisals told Forum 18 News Service. "When he asked if on a third occasion he will receive a prison term of up to three years, the judge merely smiled." Only 33 religious communities have been able to gain state registration since December 2010 – 31 of them Muslim, one Baha'i and one Catholic – as the State Committee for Work with Religious Organisations continues the process of re-registration, which should have been completed at the end of 2009. Two different communities' court challenges have failed to achieve re-registration.

The Sumgait congregation is a member of the Baptist Council of Churches, which refuses to apply for state registration in all the former Soviet states where it operates. They think that applying for state permission to exist would lead to state interference in their internal affairs.

The congregation was raided during Sunday morning worship on 12 June, the same day a Jehovah's Witness meeting was raided in a private home in Azerbaijan's second city Gyanja [Gäncä].

Within days of the Sumgait raid, Pastor Byakov was summoned to court. He explained his congregation's rejection of state registration, but the judge would not accept this. The judge gave him the verbal warning, and specified that for any repeat of the "offence" he would be fined 100 Manats (690 Norwegian Kroner, 88 Euros or 125 US Dollars) to 300 Manats (2,070 Norwegian Kroner, 265 Euros or 380 US Dollars). It was then that Byakov asked about what would happen on the third occasion.

Literature not returned

The Interior Ministry, in a report dated 13 June posted on its website, state that during the Sumgait raid 4,645 booklets, 9,229 individual books, 152 religious textbooks and 2,470 religious invitations were confiscated. The Ministry said that religious literature had been handed to the State Committee, for it to assess whether the material is legal. Church members told Forum 18 that, as of 27 July, police have still not returned the confiscated literature.

No one at the State Committee was available to tell Forum 18 on 25 or 26 July why the literature had not been returned or what will now happen to it. Religious literature of all faiths is subject to prior compulsory censorship by the State Committee. Shops selling religious literature also need a licence from the State Committee and those which do not have the necessary licence are often raided by police and local officials of the State Committee.

The latest raids to which the Interior Ministry has admitted - conducted by ordinary police and local officials of the State Committee - were on 16 July in Goychay [Göycay] in central Azerbaijan, the Ministry website noted the same day. Five items of religious literature were seized from a shop belonging to Niyazi Mirzayev, and six items from a shop belonging to Veyis Mammadov.

Forum 18 was unable to find out why the books were confiscated, what will happen to them and why the shops cannot freely sell religious literature. The telephone of the regional State Committee official based in the town of Agdash, Nizami Mammadov, went unanswered each time Forum 18 called on 26 July.

"Just the latest lie forced out of them just to tick the box"

Re-registration should have been completed by the end of 2009. As of 8 December 2010, a total of 510 communities (493 Muslim and 17 of other faiths) were listed on the State Committee website as having gained re-registration. It was not until 7 July that three further communities achieved re-registration and were added to the published list of religious communities, two mosques and the Catholic Church. A further 29 mosques and one Baha'i community were re-registered and, on 25 July, added to the list on the State Committee website.

These long delays have caused great frustration among many religious communities. The harsh 2009 Religion Law specifies - in defiance of Azerbaijan's international human rights commitments - that unregistered religious activity is illegal.

The July 2011 additions brought the total number of communities with legal status to 543. This total - which remains current as of 27 July - comprises 524 registered Muslim communities, plus 19 communities of other faiths (6 Jewish, 3 Molokan, 2 Baha'i, 2 Georgian Orthodox, 1 Russian Orthodox, 1 New Life Protestant, 1 Lutheran, 1 Albanian Udi Christian, 1 Catholic and 1 Hare Krishna).

A large number of religious communities - including many mosques, almost all Protestant communities, as well as Jehovah's Witnesses - have been waiting for re-registration since 2009 in vain.

State Committee Chair Hidayat Orujev claimed on 21 July that 559 religious communities now had registration, 525 of them Muslim, and 34 of other faiths, the APA news agency reported the same day. He identified the non-Muslim communities as 23 Christian, seven Jewish, three Baha'i and one Hare Krishna. However, as of 27 July, only 543 communities were listed on the State Committee's website as having registration. No one at the State Committee was available to tell Forum 18 on 25 or 26 July whether the 15 extra non-Muslim communities and one extra Muslim community identified by Orujev have been re-registered or not and, if so, to identify them.

One member of a religious community whose application has remained unanswered since 2009 told Forum 18 that they contacted the State Committee after Orujev's comments were published to find out if they have been registered. They also enquired who the other newly registered communities were. "The official replied that the State Committee merely held an event where Orujev mentioned all the Christian communities which existed, including ours, which are still functioning in accordance with our old registration," the religious community member told Forum 18. "Asked when they will re-register us, he replied that there is no news. So it's just the latest lie forced out of them just to tick the box."

Despite State Committee claims that the old registration will be accepted by the authorities, some communities have still been forcibly prevented from meeting – in one case by riot police.

Holy See – Azerbaijan Agreement

Azerbaijan's Catholic community – like many other religious communities – lodged its registration application in 2009. It was finally able to gain legal status after an Agreement between Azerbaijan and the Holy See came into force. This happened on 6 July when Archbishop Dominique Mamberti, the Holy See's Secretary for Relations with States, and Elmar Mammadyarov, Azerbaijan's Foreign Minister, exchanged the instruments of ratification at the Vatican, Vatican Information Service noted the same day.

The Agreement was signed in the capital Baku on 29 April by the Holy See's then nuncio to Azerbaijan, Archbishop Claudio Gugerotti, and Orujev of the State Committee. It was ratified by the Milli Mejlis on 27 May.

The Agreement specifies that the Catholic Church in Azerbaijan remains subject to local laws. This meant that it had to gain registration of its statutes from the State Committee like other religious communities. Foreign priests and nuns will still require visas and work permits.

Court hearings, and hearings..

Two religious communities – Cathedral of Praise Protestant Church and Baku's Jehovah's Witness community - are known to have challenged the State Committee's failure to re-register them through the courts.

The Jehovah's Witness community failed in its suit at Sabail District Court – the local Baku court for the State Committee where such suits are initially heard - in July 2010. Its first appeal to Baku Appeal Court was rejected on 6 January 2011.

On 4 March, Jehovah's Witnesses lodged a further appeal to the Supreme Court. On 24 May, it overturned the lower court decision, sending the case back to Baku Appeal Court. Judge Azad Imanov began hearing the appeal again on 11 July, but the case was then adjourned until 1 August, the Baku Appeal Court website notes.

Jehovah's Witnesses welcomed the overturning of the earlier Appeal Court decision, but pointed out that "there still is no guarantee that the State will grant re-registration". They told Forum 18 that they are prepared to take their case to the European Court of Human Rights (ECtHR) in Strasbourg if what they regard as the unjust registration denial is not overturned. However, they cannot lodge a case at the ECtHR until all the local judicial processes are exhausted, which means that the longer the case is contested between local courts, the longer it will be before any case to Strasbourg.

Jehovah's Witnesses also noted that the suppression of their religious meetings by the local authorities in regions outside Baku "brings into question Azerbaijan's commitment to protecting the fundamental right to freedom of religion".

Cathedral of Praise – a congregation affiliated with the Word of Life Church in Sweden – failed in its suit to Sabail District Court in July 2010. Its first appeal was rejected at Baku Appeal Court in December 2010.

It then appealed to the Supreme Court which, on 12 May, overturned the Baku Appeal Court decision and sent it back for a new hearing. Judge Ismail Veliyev at Baku Appeal Court heard the case today (27 July), and ordered the State Committee to register Cathedral of Praise.

Church members are pleased by the court ruling, they told Forum 18 today but, following the latest legal changes increasing the number of founders needed, Cathedral of Praise now needs to find another 40 people willing to be identified as official founders. The increase was included in further amendments to the Religion Law approved by Parliament on 10 June. The amendments were signed into law by President Ilham Aliiev and were published on the presidential website on 4 July.

It still remains unclear when or if the community's members will receive state permission to exercise the internationally-recognised right to freedom of religion or belief.

Azerbaijan exacts exorbitant fines for attending religious meetings

JW Official Website (27.07.2011) / HRWF (17.08.2011) – <http://www.hrwf.net> - On June 13, 2011, Judge Gunduz Shirinov of Ganja's Nizami District Court convicted four of Jehovah's Witnesses of the "violation of the creation and rules of activity of religious structures," under Article 299.02 of the Administrative Violations Code (AVC). One was fined 1,500 AZN (approximately \$1,900 US), two were fined 500 AZN (approximately \$635 US), and one was given a warning. This is the second time in just over six months that Rashad Niftaliyev, Teymur Valiyev, and Yegana Gahramanova have been convicted of this offense. For Rana Sadigova, it was her first conviction. The decision was appealed, and on July 11, 2011, the Ganja Appeal Court upheld the four convictions and three fines.

On Sunday, June 12, 2011, approximately forty people gathered at the home of Ms. Gahramanova for the weekly public meeting of Jehovah's Witnesses. After the religious meeting ended at 11:15 a.m., Firdovsi Karimov, a local representative of the State Committee for Work with Religious Associations, entered Ms. Gahramanova's home without permission and ordered everyone, including the elderly and infirm; to remain until the police arrived. At 11:30 a.m., the police took all in attendance to the police station for questioning, detaining some for almost ten hours.

At the police station and in court, it was explained to the Witnesses that their meetings are illegal because only state-registered religious structures can hold meetings for worship under Article 12 of the Law on Freedom of Religious Beliefs. The Ganja Witnesses' first application for registration to the State Committee was rejected on technical grounds and they have not yet processed the Witnesses second application.

In recent months, the National Assembly of Azerbaijan has made it more difficult for religious minorities to worship freely. On June 10, 2011, the National Assembly passed amendments to Article 12, increasing the number of members required to register a religious community from ten to fifty. On December 29, 2010, Articles 299 and 300 of

the AVC, were amended to increase the penalties for violations by an astounding 600 (and in some cases, 1,500) percent. The increased fines impose a heavy burden on religious minorities endeavoring to practice their religion, most being unable to pay such fines. The Azeri Press Agency recently reported that the average monthly salary of hired workers in Azerbaijan from January 2010 to October 2010 was 320 AZN (approximately \$405 US).

Additionally, from April to June 2011, police broke up several religious meetings of Jehovah's Witnesses held in private homes in Lokbatan, a district of Baku. On June 9, 2011, police charged one Witness, in whose home the religious meetings were held, of violating Article 299 of the AVC. However, she has not yet been convicted because the Garadagh District Court has returned her case to the police, after finding that her procedural rights had been violated during the investigation.

The exorbitant fines for attending peaceful religious meetings of Jehovah's Witnesses are a serious violation of the Constitution of Azerbaijan and the European Convention, of which Azerbaijan is a signatory.

"I'm the permission and the warrant"

By Felix Corley

Forum 18 News (13.06.2011) / HRWF (22.06.2011) – <http://www.hrwf.net> – Yesterday (12 June), police and local officials of the State Committee for Work with Religious Organisations raided a Baptist Sunday morning service in Sumgait [Sumqayit] near the capital Baku and a Jehovah's Witness meeting in the north-western city of Gyanja [Gäncä], members of these communities told Forum 18 News Service. When Baptist congregation members asked to see a warrant for the raid and search, the religious affairs official responded: "I'm the permission and the warrant."

Following both raids, fines under the Code of Administrative Offences for meeting for religious worship without state registration are expected. The raids – the latest in a series of raids on religious communities – came two days after Azerbaijan's Milli Mejlis (Parliament) adopted further restrictive amendments to the Religion Law.

A spokesperson for the State Committee defended the raids. "Law-enforcement officers conducted these operations, which were in accordance with the law," the spokesperson – who would not give his name – told Forum 18 from Baku on 13 June. "Our representatives participated in the operation, also in accordance with the law." Asked how raiding worship services was in accordance with religious freedom commitments enshrined in Azerbaijan's Constitution and the country's international human rights commitments, the spokesperson angrily put the phone down.

Restrictive new amendments to go to President

The controversial restrictive new amendments to the Religion Law – the 13th time the Religion Law is being amended since its original adoption in 1992 – were approved by the Milli Mejlis in one reading on 10 June, the local media reported. The amendments now go to President Ilham Aliiev to be signed into law. It remains unclear if deputies made any amendments to the text which had received preliminary approval in the Milli Mejlis Human Rights Committee on 31 May.

The amendments raise the required number of adult founders for a religious community from 10 to 50, introduce new controls on religious education, and increase the controls that the state requires religious headquarter bodies or centres to have over all

communities under their jurisdiction. The amendments especially apply this to the statebacked Caucasian Muslim Board, to which all Muslim communities must belong.

Even before their adoption by the Milli Mejlis, the amendments aroused concern among religious communities. In particular, those which lodged re-registration applications in 2009 but which are still waiting for a response fear the new requirement for 50 adult founders will allow the State Committee to reject their current applications. They will then need to start the burdensome process of gathering founders, extensive documentation, notarising it and submitting it all over again.

Sumgait raid

About 100 Baptists were present at their Sunday morning worship service in Sumgait on 12 June when about 20 police officers and men in civilian clothes broke into their service, Baptists told Forum 18 from Sumgait. "We had been praying together for about half an hour when they burst in. We asked them to wait till the end of the service, then we told everyone present that it was up to each individual's conscience whether they gave their name as the police were demanding."

However, as police had blocked all the exits to the church building, the adult Baptists were forced to give their identity details as they left. Police filmed congregation members against their will on mobile phones, then brought in a camera to carry on with the filming.

Police searched the church premises and took away all the religious books they could find, with the exception of Bibles in Azeri and Russian. "They did take New Testaments in both languages though – they didn't seem to know this is part of the Bible," church members told Forum 18.

The Interior Ministry website report of the raid the following day noted that 4,645 booklets, 9,229 individual books, 152 religious textbooks and 2,470 religious invitations were taken. It said the religious literature has been handed to the State Committee for it to assess whether they are legal.

"They told us we would get the books back in a month's time if they are all right," one church member told Forum 18. "But it seems to us they've been confiscated." The church member said it took police several hours to draw up the list of confiscated items. Azerbaijan imposes tight censorship on religious literature of all faiths. On occasion Christian books confiscated from non-Orthodox communities have been handed to the Russian Orthodox Church.

No names, no warrant

Those raiding the Sumgait Baptist church refused to give their names. Church members told Forum 18 that the raid seems to have been led by the State Committee official (presumably Neeman Akhadov, its representative for Sumgait and Absheron). "Police officers spoke mildly, insisting they were merely following orders from others," one church member told Forum 18.

When congregation members asked to see a warrant for the raid and search, the religious affairs official responded: "I'm the permission and the warrant." Akhadov's phones went unanswered or were switched off each time Forum 18 called on 12 and 13 June.

Forum 18 reached Elsavar (last name unknown), head of the local Police Criminal Investigation Department who was present during the raid, on 12 June, but he said he

was not able to speak then. His phone went unanswered or was switched off each time Forum 18 called back.

Questioned, informed would be fined

Three church members, including the pastor Pavel Byakov, were taken to Sumgait's 2nd police department, where they were questioned for several hours. Church members told Forum 18 that Byakov was told that the church's meetings were illegal because it is not registered. Officers told him he would be fined 100 Manats (691 Norwegian Kroner, 88 Euros or 127 US Dollars) under Article 299 of the Code of Administrative Offences.

Article 299 ("violation of the procedure for creating or running religious organisations" punishes a wide range of "offences", including meeting for worship without state permission. In December 2010, sharp increases in fines were introduced for all violations of Article 299, as well as fines for religious activity under Article 300 of the Code. Byakov explained to the police that the church (a member congregation of the Baptist Council of Churches) has no intention of applying for state registration, as it does not believe it needs it and because it regards enforced state registration as an unwarranted intrusion into the church's internal affairs. He asked what the police would do when they continue to meet. Officers told him the next fine would be 150 Manats.

"Pastor Byakov does not believe he has done anything wrong, so will not pay the fine," one Baptist present when the congregation was raided told Forum 18. "We have been meeting for worship in the same building for more than 20 years and intend to carry on doing so."

Police raid in Gyanja

Later that same morning, 12 June, police officers from Gyanja's Nizami District raided the private home in the city of Jehovah's Witness Yegana Gahrmanova, the Interior Ministry website noted the following day. "Police were led by Firdovsi Kerimov, the local official of the State Committee," Jehovah's Witnesses told Forum 18 on 13 June. "Indeed, he arrived first and told those present they couldn't leave until the police had arrived." Police divided the 37 people present into two groups, taking some to the Nizami District police station and some to the Kapaz District police station. They were questioned for some hours, with the last ones not being freed until 10.30 pm. Gahrmanova, as well as two local Jehovah's Witnesses Rashad Niftaliev and Rana Sadiqova, and Teymur Valiev from Baku were threatened with punishment under Article 299 of the Code of Administrative Offences. All the rest were given verbal warnings. Kerimov, the Gyanja representative of the State Committee, refused absolutely to discuss the raid. "I have nothing to speak to you about," he told Forum 18 angrily on 13 June and put the phone down.

The telephone of Nizami District police chief Agahuseyn Mammadov went unanswered each time Forum 18 called on 13 June. The duty officer put the phone down as soon as Forum 18 asked the same day why officers raided a religious meeting in a private home. The Nizami District police and Kerimov conducted a similar raid on Gahrmanova's home in December 2010. Six Jehovah's Witnesses were subsequently taken to court, including Gahrmanova, Niftaliev and Valiev. Three were fined, one was officially warned and two (both Georgian citizens) were deported.

Earlier raids

Police and the local religious affairs official raided three Protestant churches in Sumgait within a three day period in mid-May. Religious books were confiscated. Two members of one of the raided congregations – a husband and wife – were each fined about two weeks' average wages.

Other religious communities in Gyanja as well as the Jehovah's Witnesses have been raided. In March three were banned from continuing to meet for worship because they are not registered. At least one - Star of the East Pentecostal Church – had a visit from the police and riot police to prevent them from worshipping.

Many mosques – including the only Sunni mosque in Gyanja - have been closed down under various pretexts in recent years, most of them of the minority Sunni community.

State Committee rejects criticism

Police raids on religious communities, the highly restrictive Religion Law, and the slow and cumbersome compulsory re-registration process were severely criticised in a report by the Council of Europe's European Commission against Racism and Intolerance (ECRI), made public on 31 May

The State Committee rejected the report's findings in an 8 June statement posted to its website. "In a word, the report does not reflect the real situation in the country and bears a superficial character," it claimed. The State Committee insisted that police only raid religious communities if there is law-breaking. It denied that the re-registration process was being used to target disfavoured religious communities. It claimed that amendments to the Religion Law had "simplified" registration procedure.

In its statement, the State Committee stressed that the 2009 re-registration process is not yet complete and that the State Committee has not yet taken any religious communities to court to liquidate them. It also stressed that until religious communities get re-registration, their old registration certificate remains valid.

While one religious community representative told Forum 18 that these reminders were a source of hope, other members of religious communities pointed to repeated raids on religious communities which do not want or cannot get registration as illustrating the authorities' real attitudes.

Communities to be forced to begin re-registration again?

By Felix Corley

Forum 18 News (08.06.2011) / HRWF (22.06.2011) – <http://www.hrwf.net> Many of Azerbaijan's religious communities, whose re-registration applications have not been answered since submission before the end of 2009, fear that the proposed raising of the required number of adult founders from 10 to 50 could see their current applications rejected, Forum 18 News Service has learned. The increase in the number of founders is contained with other restrictive proposed amendments to the Religion Law. They are due for consideration in the full Milli Mejlis (Parliament) on 10 June. Officials and legal experts have given contradictory views on whether the increase in founders will be applied retroactively. One official told Forum 18 the issue might be resolved in the Constitutional Court.

This will be the 13th time that the 1992 Religion Law has been amended. Amendments have made major changes and frequently been prepared in conditions of secrecy and presented without prior notice. The latest draft Religion Law amendments gained preliminary approval in the Milli Mejlis Human Rights Committee on 31 May.

Many communities have expressed fears to Forum 18 that the new amendments are a covert way of requiring those still waiting for re-registration to begin the entire process

again, offering more opportunities for officials to impose pressure on communities and stop them gaining legal status. A senior member of a religious community, who wished to remain anonymous for fear of state reprisals, told Forum 18 that this was "undoubtedly" one of the aims of the amendments.

The cumbersome and time-consuming process currently includes gathering founders, holding formal meetings, notarising the documentation and submitting it to the State Committee for Work with Religious Organisations again.

Re-registration

Unregistered religious activity is banned, in defiance of Azerbaijan's international human rights commitments. So many communities see gaining re-registration as crucial for their activities. Police raids, including the use of riot police, have been among the measures used against Muslim, Protestant, and Jehovah's Witness communities the authorities dislike.

Many non-Muslim communities will struggle to find 50 adults to present their identity documents with a registration application. The head of the Registration Department at the State Committee, Yusif Askerov, recognised to Forum 18 that the new number is "a lot" and claimed it is still being discussed.

Askerov of the State Committee also admitted that a Council of Europe European Commission against Racism and Intolerance (ECRI) report was "very critical" of the Committee's long delays in re-registration. He told Forum 18 on 6 June that the State Committee leadership will discuss the report and will prepare its conclusion to it "this week" (see below).

Retroactive force in practice?

The 2009 Religion Law amendments imposed among other things a compulsory reregistration requirement for all religious communities. Extra restrictions were also imposed on Muslims only. But the current Religion Law amendments do not specify such a compulsory re-registration requirement.

However, religious communities have told Forum 18 of their fears that State Committee officials will reject re-registration applications lodged before the 31 December 2009 deadline, simply because of the lack of 50 founders.

"The increase in the number of required founders shouldn't have retroactive force," Rabiyyat Aslanova, chair of the Milli Mejlis Human Rights Committee, told Forum 18 from the capital Baku on 4 June. However, she readily acknowledged that the State Committee had failed to handle the re-registration applications properly and in line with the law. "I'll speak up about the re-registration delays when the amendments are discussed in the full parliament."

Deputy does not trust State Committee

As the State Committee has not re-registered many religious communities which had lodged applications in 2009, Forum 18 asked deputy Aslanova whether she trusted the State Committee not to use the increased number of founders as an excuse to reject existing applications. She responded: "No."

Asked whether she believes the State Committee should be allowed to continue, she responded: "I'm in favour of their abolition." However, she did not say whether she intends to take any action to achieve this.

Constitutional Court guidance?

One Baku-based legal expert, who asked not to be identified, stated that laws should not have retroactive force. "I don't know what officials will say in this case, but it wouldn't be correct for officials to ask religious communities which have already applied for reregistration to submit new applications," the legal expert told Forum 18 from Baku on 6 June.

Askerov of the State Committee – which handles registration applications – told Forum 18 that once the amendments are adopted, his Committee will have to decide how to apply the new provisions. "For communities which lodged their applications a long time ago, we will have to go to the Constitutional Court to seek guidance on whether the new provisions apply to the communities which have already applied for registration." Azerbaijan's Constitution gives the Constitutional Court the obligation to interpret laws if requested to do so by the President or state bodies.

Waiting, waiting

The re-registration process was due to be completed by the end of 2009. However, even State Committee officials have acknowledged that several hundred communities which applied in late 2009 are still waiting for a response. Among them are many Muslim communities and almost all Protestant churches, as well as Catholics and the Jehovah's Witnesses. Many communities have complained to Forum 18 of the "torturous" nature of the re-registration process.

As of the middle of the working day in Baku on 8 June, only 510 communities (493 Muslim and 17 of other faiths) were listed on the State Committee website as having gained re-registration. No religious communities are known to have been registered or re-registered since 8 December 2010.

Askerov, head of the State Committee's Registration Department, rejected fierce criticism by many religious communities of what they see as the State Committee's arbitrary refusal to consider their applications. "Those that didn't get registration are the ones with inadequacies in their applications," he insisted to Forum 18. "As soon as these are corrected they will get registration. I guarantee that 90 per cent of those who applied for re-registration back in 2009 will get it. Re-registration will speed up."

He declined to say why no religious communities have been registered or re-registered in the six months since 8 December 2010, or why he thinks only 90 per cent of the communities that applied for re-registration will get it. Askerov gave no timescale for this, although he has previously claimed a fresh batch of communities would be reregistered in April. This has not happened.

Askerov stressed that the previous registration certificates of communities which are still awaiting registration remain valid. He denied that currently registered communities who have applied for re-registration are vulnerable to police raids.

However, this is not what religious communities in this situation have experienced. They remain vulnerable to official threats, police raids and possible fines. The State Committee representative in Azerbaijan's second city Gyanja [Gäncä] ordered three religious communities which did not have legal status to close in March. One, Star of the East Pentecostal Church, was visited by two bus loads of riot police and ordinary police to stop them meeting for worship. Also, the only Sunni mosque in the city was forcibly closed by the state.

Catholic Accord, but no registration yet

Among the many religious communities whose registration application has not been dealt with since 2009 is the small Catholic community. However, on 29 April the Holy See's nuncio to Azerbaijan, Archbishop Claudio Gugerotti, and Hidayat Orujev, chair of the State Committee, signed an Accord between the two sides to regulate the legal status of the Catholic community in Azerbaijan, the Holy See announced the following day. The Accord was ratified by the Milli Mejlis on 27 May, the APA news agency reported that day.

The Accord is awaiting final approval on the Azerbaijani side by President Ilham Aliiev. Only when both sides have approved it will it come into force and be published.

The Accord covers the Catholic Church in Azerbaijan as a whole, not just the one parish in Baku. It will regulate the right of the Church to hold public worship and other activities, teach the faith and send priests to minister to the community (there are no native Azerbaijani priests).

However, the Accord does not exempt the Catholic community from requiring registration of its statutes with the State Committee, while priests and nuns will still require visas and work permits.

Restrictions "incompatible" with European Court of Human Rights case law

The latest Religion Law amendments were initially adopted by Parliament's Human Rights Committee on 31 May. This was the same day a highly-critical report by the Council of Europe's European Commission against Racism and Intolerance (ECRI) was made public in Azeri, English and French. ECRI is made up of representatives of all 47 Council of Europe member countries, including Azerbaijan.

ECRI complained that restrictions in the Religion Law on spreading one's faith and on religious literature are "incompatible with the case-law of the European Court of Human Rights".

"ECRI strongly recommends that the Azerbaijani authorities bring the legislation in force in matters of freedom of religion into line with the requirements of the European Convention on Human Rights, taking account of the relevant case-law of the European Court of Human Rights."

ECRI was also highly critical of the re-registration process, which was due to have been completed by the end of 2009 but which has left hundreds of religious communities languishing without any response to their applications. It particularly noted that this was the third time since independence in 1991 that such re-registration had been demanded. It complained that the "repetitive implementation of such procedures places a heavy administrative burden" on religious communities.

"ECRI strongly recommends that the Azerbaijani authorities swiftly complete the procedure for the registration of religious communities currently under way, taking into account the case-law of the European Court of Human Rights," the report noted.

It described it as "essential" to clarify the legal situation of communities still awaiting a final response from the State Committee or the courts, "particularly by clearly specifying that those already registered under the previous legislation must be able to continue to function normally during the transitional period".

Some religious communities are prepared if necessary to take re-registration cases to the European Court in Strasbourg (ECtHR). Similarly the Jehovah's Witnesses are also prepared if necessary to take cases of the imprisonment of conscientious objectors to military service to the ECtHR.

Will government implement ECRI recommendations?

Askerov of the State Committee's Registration Department said he had examined the ECRI report. "We have seen critical reports earlier, but not so harsh as this one," he told Forum 18. "It is a serious issue. For the State Committee the main criticism is of the registration delay."

Insisting that the response to the report will have to come from the State Committee leadership, Askerov said discussions in the Committee will take place "this week". He declined to speculate on how the State Committee might respond to the report and whether it will change its practices or not.

Rovshan Ismayilov, Professor of Constitutional Law at Baku State University, who serves as the member from Azerbaijan on ECRI, commended the report. "I serve on ECRI in a personal capacity, not as a government representative," he stressed to Forum 18 on 4 June. "I hope the government will take seriously all the report's recommendations, including on freedom of religion. The recommendations are very clear."

On the difficulties many religious communities have faced gaining re-registration, Ismayilov said ECRI had been "quite right when it referred to the case-law of the European Court of Human Rights – the government should bear the court's rulings on religious freedom in mind".

Ismayilov urged religious communities whose rights might have been violated to take their cases through the local courts and, if they are still unsatisfied, to the ECtHR in Strasbourg.

However, parliamentary deputy Aslanova said she had read the ECRI report and rejected it outright. "I'm very much against this report," she told Forum 18. "Azerbaijan is a very tolerant country. We ratified the European Convention on Human Rights and we work in accordance with its principles."

"The latest devious move to control religious communities"

By Felix Corley

Forum 18 News (06.06.2011) / HRWF (21.06.2011) – <http://www.hrwf.net> – Human rights defenders and religious communities are fearful that new amendments to Azerbaijan's restrictive Religion Law will increase state restrictions on people exercising their right to freedom of religion or belief. If adopted, the amendments would require 50 adults to state that they are founders for a religious community to apply for state registration, Forum 18 News Service has learnt. The present requirement is for 10 adult founders. Also the amendments increase the controls that the state requires religious headquarter bodies or centres to have over all communities under their jurisdiction. The amendments especially apply this to the state-backed Caucasian Muslim Board, to which all Muslim communities must belong.

The full Milli Mejlis (Parliament) is set to consider the amendments on 10 June, the Chair of the Milli Mejlis Human Rights Committee Rabiyyat Aslanova told Forum 18 from the capital Baku on 4 June.

Many re-registration applications, submitted by religious communities in 2009 in line with the re-registration requirement in the 2009 Religion Law amendments, have still not been answered. These communities now fear that the State Committee for Work with

Religious Organisations will use the new increased number of founders as an excuse to reject their applications submitted when the requirement was 10. They would then have to start the burdensome process of gathering new documentation to reapply.

All religious activity which does not have state permission was outlawed under May 2009 revisions to the Religion Law, which also required all religious communities to gain reregistration by 1 January 2010.

What is in the proposed amendments?

The draft amendments presented to the Milli Mejlis by President Ilham Aliyev contain 19 amendments, often with ambiguous or vaguely defined changes of wording. This – as was the case with the May 2009 Religion Law changes – allows scope for arbitrary official actions.

- Who can lead religious activity?

A new Article 4-1 (the part of the Religion Law which gives definitions) covers "Professional religious activity and religious persons". "Professional religious activity is activity directed to religious education, religious training, satisfying the religious needs of believers, spreading religion, performing religious ceremonies, giving sermons (preaching) and administering religious structures. A religious person engaged in religious activity is a person with higher or secondary specialised religious education." The definition of "religious person" does not specify that only "professional" religious workers can conduct activities such as religious education or leading worship. But officials often interpret such definitions as banning people from doing anything they are not in published law specifically authorised to do.

- Religious education

An addition to Article 6 specifies new requirements for establishing religious education. "Courses by religious communities for young adults and adults to study holy books can be created with permission from religious centres and departments and shall be in accordance with regulations of religious communities and shall be subject to religious centres and departments."

- Religious brotherhoods

In amending Article 7, "religious brotherhoods" have been removed as one of the forms of a religious structure. It remains unclear what impact this will have in practice.

- Reporting

An addition to Article 7 would require all Islamic communities to "present a report on their activity" to the Muslim Board. The Article does not state how often such reports must be presented.

According to the local APA news agency on 1 June, Milli Mejlis Human Rights Committee members added a requirement under the same Article that non-Muslim organisations will have to submit similar reports on their activity to the State Committee.

- Founders

A new provision affecting only Muslims is added to Article 8: "Islamic religious communities shall be created in mosques by citizens of the Azerbaijani Republic." It remains unclear if this bans Islamic communities which wish to exist outside the framework of a mosque or whether it is targeted at mosques created by foreign citizens.

An amended Article 12 would require 50 adults "or their authorised representatives", not 10 adults as at present, to submit a registration application.

An amendment to Article 12-1 (an Article added to the Law in 2009) would allow a religious centre to file a request with the State Committee to change the legal founders of an individual community under its control or indeed liquidate it if the community violated the Constitution or conducted any other specified illegal or unapproved activity. At present only the founders or a court can do so.

"State security"

Vigorously backing the proposed amendments was Aslanova, a deputy of the ruling Yeni Azerbaijan (New Azerbaijan) Party. "They are very positive and necessary," she insisted to Forum 18. "Controlling the religious situation is necessary for state security."

Paragraph 8 of the former United Nations Human Rights Committee's General Comment 22, on the International Covenant on Civil and Political Rights, specifically states that "national security" is not a permissible reason to limit freedom of religion or belief. Aslanova rejected suggestions that requiring 50 adults to apply for registration of a religious community might unduly restrict individuals' rights. "Ten people – that's just one family." She also rejected suggestions that it was not the role of the state to specify whether individual mosques need to report to the Muslim Board and how. "All relations between and within religious communities need to be regulated by law."

However, the Head of the State Committee's Registration Department, Yusif Aleskerov, opposes the increase in the number of founders to 50. "That is a lot," he told Forum 18 from Baku on 6 June. "I don't believe this provision will be adopted. There is some discussion of this."

"Government control"

"This is the latest devious move to control religious communities through the law," one member of a religious minority community – who asked not to be identified for fear of further state reprisals – told Forum 18 from Baku on 1 June.

Muslim activist Ilgar Ibrahimoglu Allahverdiev agrees. "These amendments are anti-Constitutional and violate the European Convention on Human Rights and United Nations human rights provisions," he told Forum 18 from Baku on 2 June. "The authorities are using Soviet methods – they don't want people to live their faith."

Equally critical is human rights defender Arif Yunusov of the Baku-based Institute of Peace and Democracy, who has long followed religious affairs. "I'm against these amendments," he told Forum 18 from Baku on 2 June. "I've always been against government control on religious communities."

Both Ibrahimoglu and Yunusov are highly critical of the increased powers the statebacked Caucasian Muslim Board will have over individual mosques, a concern shared by Iqbal Agazade, the only Milli Mejlis deputy of the opposition Umid (Hope) Party. "The amendments restrict human rights and are not in accordance with Azerbaijani law and international standards," Agazade told Forum 18 from Baku on 2 June.

Muslim Board backing

However, backing the amendments was Salman Musaev, one of the deputy heads of the Muslim Board. "We're for them," he told Forum 18 from Baku on 2 June. "If they're not against us, of course we're for them." However, he declined to comment on why his Board should be given further control over individual Muslim communities. "Let the Milli

Mejlis adopt the amendments and then we'll comment. We can't say anything before they're adopted."

Asked why his Muslim Board should have a legally-enforced monopoly on all Muslim communities in Azerbaijan, Musaev responded: "Why are all Catholic communities under the Vatican? Each community has its own laws. Muslims [in Azerbaijan] decide these issues for themselves and they choose to have only one central body themselves." Told that Forum 18 has spoken to many Azerbaijani Muslims who want to organise their communities independently of the Muslim Board, Musaev replied: "There aren't any independent Muslims here."

June adoption for new amendments?

The proposed amendments – the thirteenth time the Religion Law has been amended since its original adoption in 1992 – were approved by the Milli Mejlis Human Rights Committee without any prior public information on 31 May. Aslanova, chair of the Human Rights Committee, told Forum 18 that it will depend on deputies whether the amendments require one reading or more. Parliamentary deputy Agazade – as well as several parliamentary officials – told Forum 18 that only one reading will be required as these are merely amendments to an existing law.

Deputy Agazade told Forum 18 he will oppose the amendments in the vote in the full Milli Mejlis. "Maybe I'll be the only one to vote against."

In December 2010 fines under the Code of Administrative Offences were for exercising the right to freedom of religion or belief were dramatically increased.

Amendments initiated by Presidential Administration?

The proposed amendments were sent by President Aliev to the Milli Mejlis on 17 May, according to the text of the amendments seen by Forum 18. They were then assigned to the Human Rights Committee under deputy Aslanova for initial consideration.

Opposition deputy Agazade speculated that the amendments could have been initiated by the powerful Presidential Administration or the Muslim Board. Human rights defender Yunusov of the Institute of Peace and Democracy thinks that while the State Committee for Work with Religious Organisations and the Muslim Board might have been involved, the Presidential Administration would take all the important decisions.

Deputy Aslanova denied that the Presidential Administration had anything to do with the text, but refused to tell Forum 18 who had initiated the amendments. She would only say that the Muslim Board had urged that its controls over individual mosques be increased. However, one parliamentary official involved in the process told Forum 18 categorically on 2 June that the amendments were prepared by the Presidential Administration.

Forum 18 was unable to reach anyone at the Presidential Administration prepared to discuss the proposed amendments on 2 June. Officials said Shahin Aliev, head of Department of Legislation and Legal Expertise, was away in Strasbourg and no-one in his department was prepared to comment. Officials of the Public and Political Department referred Forum 18 to Aliev.

Yunusov said that Ramiz Mehdiyev, the powerful head of the Presidential Administration, keeps close control over religious policy. "The authorities aim to have everything under their control, just as the Soviet Communist Party did," he told Forum 18. "After the opposition ceased to be a serious force in 2006, Islam has become the major focus for the authorities."

Police "did well" in Sumgait raids

By Felix Corley

Forum 18 News (18.05.2011) / HRWF (30.05.2011) – <http://www.hrwf.net> - Defending the raids in mid-May on three Protestant churches in Sumgait within three days was the press office of Azerbaijan's Interior Ministry. The police "did well", an official there told Forum 18 News Service. After a raid by up to 15 police officers on the Sunday worship service of one of the congregations, held in a local restaurant, two church members were today (18 May) each fined about two weeks' average local wages. On 17 May, some 20 police officers raided a private flat where members of another local church were meeting, seizing about 60 books. "You can't meet for religious purposes in a restaurant – there are mosques and synagogues for that," the Interior Ministry official insisted. He refused to give his name, telling Forum 18: "I don't know who you are. You might be a terrorist or Azerbaijan's enemy No. 1."

Within the space of three days in mid-May, three Protestant communities in the town of Sumgait (Sumqayıt) north of the Azerbaijani capital Baku were raided by police and officials of the State Committee for Work with Religious Organisations, Forum 18 News Service has learnt. Other Protestant communities in the town, as well as Muslim, Russian Orthodox and Jewish communities, appear not to have faced raids. Two members of one of the raided congregations – a husband and wife - were each fined about two weeks' average wages today (18 May), local Protestants complained to Forum 18. An Interior Ministry official defended the police action to Forum 18.

Following a police raid on a Saturday morning Seventh-day Adventist worship service in a house the congregation owned in Sumgait in December 2010 and fines handed down on two church members, the small congregation had to stop meeting for worship (see F18News 16 December 2010 http://www.forum18.org/Archive.php?article_id=1522).

State control of all religious activity has sharply increased in recent years in Azerbaijan, with harsh amendments to the Religion Law in 2009, accompanied by new "offences" in the Criminal Code and Code of Administrative Offences to punish religious activity the state has not specifically authorised. In defiance of Azerbaijan's international human rights obligations, all unregistered religious activity is banned, while all religious literature is subject to compulsory prior censorship.

The Sumgait crackdown follows a similar crackdown in March in Azerbaijan's second city Gyanja [Gəncə]. Three religious communities were banned from continuing to meet for worship because they are not registered. At least one - Star of the East Pentecostal Church – had a visit from the police and riot police to prevent them from worshipping (see F18News 8 April 2011 http://www.forum18.org/Archive.php?article_id=1560).

Many mosques have been closed down under various pretexts in recent years, most of them of the minority Sunni community (see F18News 13 May 2011 http://www.forum18.org/Archive.php?article_id=1570).

Raid

Trouble began in Sumgait at about 11.30 am on 15 May, when police raided the Sunday morning service of the Praise Church, the local congregation of the Baku-based Cathedral of Praise, a church affiliated with Word of Life in Sweden. Up to about 15 police officers from the town's 4th Department of the Police, accompanied by officials of the State Committee, arrived at the Göygöl (Blue Lake) restaurant where more than forty church members had gathered for the service, the Interior Ministry website noted.

"Police wrote down the names of all those present, then all were taken by bus to the 4th police station," one local Protestant, who asked not to be identified for fear of state reprisals, told Forum 18. "Police knew where we were meeting." Officers questioned church members at the police station, demanding that they write statements. Also present at the police station was Neeman Asadov, the representative for Sumgait and Absheron of the State Committee.

The website of the Interior Ministry claimed the following day that the meeting had been illegal as the community was meeting away from its registered address. It said that a case had been lodged against Elchin Pashaev and his wife Afar under Article 299.0.4 of the Code of Administrative Offences, which punishes religious activity at an address other than a religious organisation's registered address.

Article 299.0.4 was one of a number of provisions punishing religious activity which were added to the Code of Administrative Offences in 2009. In December 2010, sharp increases in fines were introduced for all violations of Article 299 and Article 300 of the Code (see F18News 7 January 2011

http://www.forum18.org/Archive.php?article_id=1527).

Police intended to bring cases against more church members, but did not do so, one local Protestant told Forum 18. The Interior Ministry website that in addition to the charges against Pashaev and his wife, "preventative talks" were conducted with other church members.

Second police visit

Police then moved on to the home of another Sumgait Protestant pastor, local Protestants told Forum 18. However, he refused to let them in. Officers went away and returned a little while later. They questioned the pastor about his activity and particularly about any contact he might have had with foreigners.

Third raid

On the evening of 17 May, about 20 police and officials of the State Committee raided a private home of South Korean citizen Son Chung Soon, where Protestants from another church had gathered. Some 60 Bibles and other Christian books were confiscated, the Interior Ministry website noted the same day, insisting that the Protestants' activity was illegal. Those present were taken to the police station, where they were questioned and had to write statements, local Protestants told Forum 18. The books were not returned.

Two fines

On 18 May, Elchin Pashaev and his wife Afar of the Praise Church were tried at Sumgait Administrative Court under Article 299.0.4 of the Code of Administrative Offences. They were found guilty and each fined 150 Manats (1,062 Norwegian Kroner, 134 Euros or 190 US Dollars), even though the penalty for individuals under this Article is now 500 to 2,000 Manats.

Forum 18 notes that the fine of 300 Manats in total on one family represents the equivalent of nearly four weeks' wages of the State Committee's newly-appointed official in Sumgait. The State Committee advertised the post in January, offering 345 Manats per month, according to its website.

"It was all very fast and not a pleasant outcome," one local Protestant told Forum 18 in the wake of the court hearing. The Protestant said the Pashaevs immediately collected the money from fellow church members and paid the fines, even though they do not consider they have done anything wrong. "Church members want to stress that they are law-abiding." The Protestants said the Pashaevs are not intending to appeal against the punishment as they see little point.

Police "did well"

The telephone of Sumgait State Committee representative Asadov went unanswered each time Forum 18 called on 18 May. No one at the State Committee in Baku was prepared to discuss why three religious communities in Sumgait were raided.

The chief of the Sumgait Police 4th Department – the local department where the Praise Church was meeting - refused to discuss anything with Forum 18 on 17 May.

However, an official of the Interior Ministry press centre in Baku vigorously defended the police action. The police "did well", he insisted to Forum 18 on 18 May. "These people violated the law. You can't meet for religious purposes in a restaurant – there are mosques and synagogues for that." He brushed aside Forum 18's questions as to why religious communities cannot meet freely in line with their rights under Azerbaijan's Constitution and the country's international human rights commitments.

Asked for his name, the press centre official refused to give it. "I don't know who you are," he told Forum 18. "You might be a terrorist or Azerbaijan's enemy No. 1." He then put the phone down.

Jehovah's Witness escapes punishment

Meanwhile, a court in north-western Azerbaijan has dismissed accusations against a local Jehovah's Witness. The judge at Gakh [Qax] District Court closed the administrative case against Vusal Bakirov today (18 May), Jehovah's Witnesses told Forum 18.

Police launched a case against Bakirov on 18 April on accusations of spreading his faith. Two Jehovah's Witness publications were confiscated from him. He was then charged under Article 300.0.2 of the Code of Administrative Offences, which punishes distributing religious literature without permission from the state. Since December 2010, this Article carries punishment on individuals of fines of 200 to 400 Manats (1,580 - 3,155 Norwegian Kroner, 180 - 350 Euros, or 250 - 500 US Dollars). A first hearing was held at Gakh District Court on 3 May (see F18News 13 May 2011

http://www.forum18.org/Archive.php?article_id=1570).

Another Sunni mosque disappears, heavy fines feared

By Felix Corley

Forum 18 News (13.05.2011) / HRWF (17.05.2011) – <http://www.hrwf.net> - After Turkish imam Ahmet left the Azerbaijani exclave of Nakhichevan in February, the Sunni Juma Mosque was taken over by the Shia community, leaving local Sunni Muslims nowhere to pray in the way they wish, Forum 18 News Service has learnt. Forum 18 has been unable to establish whether the imam was forced to leave by the Nakhichevan authorities, or whether he left on completion of his term. Turkish diplomats refused to

say. "No new appointment [of a Turkish imam] has yet been made, and we don't know when that will be," one told Forum 18. Meanwhile, two Jehovah's Witnesses face possible heavy fines for religious activity after religious literature was seized from their homes. Police and secret police joined the local Religious Affairs official to raid one. A Nursi reader had a Koran seized and faced police questioning in Mingechaur.

The only Sunni mosque in Azerbaijan's autonomous republic of Nakhichevan [Naxçıvan] has been taken over by Shia Muslims after the departure from the exclave of the mosque's Turkish government appointed imam in February, Forum 18 News Service has learnt. Most of the mosques closed by the government in recent years have been from the minority Sunni Muslim community. Meanwhile, raids continue on readers of the works of the late Muslim theologian Said Nursi, as well as on Jehovah's Witnesses. Two Jehovah's Witnesses face possible heavy fines.

All religious communities in Azerbaijan remain under tight government control or surveillance. Harsh new amendments were adopted to the Religion Law in 2009 as well as new or increased punishments for religious worship without state authorisation, spreading one's faith or for distributing religious literature that has not passed through the compulsory prior government censorship.

Those religious communities which had been able to gain state registration had to undergo re-registration once more, a process that has left – on state figures – some 300 religious communities still waiting – and thus at risk of raids and possible punishment for continuing to meet for worship. Officials at the State Committee for Work with Religious Organisations in the capital Baku have insisted to Forum 18 they are trying to "help" religious communities (see F18News 7 April 2011 http://www.forum18.org/Archive.php?article_id=1559).

In March, three religious communities in Azerbaijan's second city Gyanja [Gəncə] were banned from continuing to meet for worship because they are not registered. At least one – Star of the East Pentecostal Church – had a visit from the police and riot police to prevent them from worshipping (see F18News 8 April 2011 http://www.forum18.org/Archive.php?article_id=1560).

Tight Nakhichevan controls

Nakhichevan – an exclave wedged between Armenia, Iran and Turkey which is an autonomous republic of Azerbaijan – has particularly tight controls on all religious activity.

The National Security Ministry (NSM) secret police in Nakhichevan detained six Nursi readers in May 2010, holding four of them for three days without trial. Books by Nursi were confiscated. The exclave's authorities have long had a de facto ban on religious activity by non-Muslim communities. Small groups of Baha'is, Seventh-day Adventists and Hare Krishna devotees were banned from meeting several years ago (see F18News 20 May 2010 http://www.forum18.org/Archive.php?article_id=1447).

The Nakhichevan Religious Affairs Office, which answers to the Nakhichevan government, not to the State Committee in Baku, insisted to Forum 18 in December 2009 that no re-registration requirement exists there (see F18News 21 December 2009 http://www.forum18.org/Archive.php?article_id=1389).

Sunni imam's departure

A Turkish diplomatic official, speaking to Forum 18 on condition of anonymity as someone not authorised to speak to the media, confirmed that Imam Ahmet had left Nakhichevan in February. He had been appointed by the Turkish government's

Presidency of Religious Affairs (Diyanet) and had served as imam of the Juma Mosque in Nakhichevan city.

Forum 18 has been unable to establish whether the imam was forced to leave by the Nakhichevan authorities, or whether he left on completion of his term. The Turkish diplomatic official refused to say. "No new appointment [of a Turkish imam] has yet been made, and we don't know when that will be," the diplomatic official added.

However, Forum 18 has learnt that a Shia imam has already been appointed to the mosque, leaving no Sunni place of worship left in Nakhichevan.

The Juma Mosque had been built by Turkey's Diyanet in the 1990s. However, in summer 2005, allegedly on orders from Vasif Talibov, the powerful speaker of the Nakhichevan Parliament (Ali Mejlis), the home of the imam next to the mosque, as well as a fountain and toilet, were demolished.

No answers

No one at the Religious Affairs Office in Nakhichevan was prepared to talk to Forum 18 about the departure of the Turkish imam and where – if at all – Sunni Muslims are able to pray now. Each time Forum 18 reached the office between 11 and 13 May the official immediately put the phone down.

The telephone of the office of Nakhichevan Chief Mufti Mirjafar Seidov went unanswered between 11 and 13 May.

Similarly unanswered was the telephone of Nakhichevan's Ombudsperson Ulkar Bayramova, who reports to the exclave's parliament.

No Turkish comment

Turkey's General Consulate in Nakhichevan asked Forum 18 to send its questions about the departure of the imam in writing. Sent on 11 May, Forum 18 had received no response by the end of the working day in Nakhichevan on 13 May.

The Counsellor for Religious Affairs at the Turkish Embassy in Baku refused to discuss the departure of the imam from Nakhichevan. "No imams from Turkey are left in Azerbaijan," was all he would tell Forum 18 on 11 May. "We had them here until two years ago."

Forum 18 sent written questions to the Diyanet in the Turkish capital Ankara on 11 May, but it failed to respond by the afternoon of 13 May in Turkey.

Where will Nakhichevan's Sunni Muslims pray?

The transformation of the Juma Mosque into a Shia place of worship leaves the small Sunni Muslim community in Nakhichevan with nowhere to hold prayers.

Even while it was still open, those who attended the Juma Mosque were under close state scrutiny. Three young men who attended prayers there were reported to have been imprisoned for 15 days in November 2009 (see F18News 21 January 2010 http://www.forum18.org/Archive.php?article_id=1397).

Why so many closed Sunni mosques?

Most of the mosques closed or demolished by the authorities since 2009 have been Sunni, although state officials have denied that the religious affiliation of the mosques was the reason for their closure or demolition.

Among those which remain closed, which local Muslims still hope will be allowed to resume their activity, are the Albanian Mosque in Gyanja, the Martyrs' Mosque near the parliament in Baku (also built in the 1990s by Turkey's Diyanet) and Baku's Abu Bekr Mosque (see F18News 5 April 2011 http://www.forum18.org/Archive.php?article_id=1558).

Shia mosques reopened

Elsewhere in Azerbaijan, two Shia mosques closed by the authorities earlier this year have been able to reopen.

In early March the local authorities closed the Juma Mosque in the town of Qobustan (Maraza), west of Baku, although local officials vigorously denied this to Forum 18. Muslims who had previously prayed there held Friday prayers outside, often in the snow. Local Muslims told Forum 18 that police and Prosecutor's Office officials harassed those who protested against the mosque closure (see F18News 5 April 2011 http://www.forum18.org/Archive.php?article_id=1558).

However, local Muslims told Forum 18 that the mosque reopened in early May. "No-one gave permission. The people just opened the door and resumed worship," one Muslim told Forum 18. "The local administration has not protested."

The mosque in the village of Turkan not far from Baku was closed in late April. The opposition newspaper Yeni Musavat claimed on 26 March that it had been closed to prevent local people gathering there to protest against villas and fences built recently which prevent their access to the Caspian Sea. Local Muslims confirmed to Forum 18 that the mosque has now reopened.

Will massive fines follow raids?

Meanwhile, raids continue on individuals who hold religious meetings in private homes.

On 18 April, police in the north-western town of Gakh [Qax] launched a case against local Jehovah's Witness Vusal Bakirov on accusations of spreading his faith, the website of the Interior Ministry noted the same day. Two Jehovah's Witness publications were confiscated from him.

He was then charged under Article 300.0.2 of the Code of Administrative Offences, which punishes circulating religious literature without permission from the state. In the wake of the massively increased fines for religious "offences" approved in December 2010, this Article carries punishment on individuals of fines of 200 to 400 Manats (1,580 - 3,155 Norwegian Kroner, 180 - 350 Euros, or 250 - 500 US Dollars) (see F18News 7 January 2011 http://www.forum18.org/Archive.php?article_id=1527).

A first hearing in Bakirov's case was held at Gakh District Court on 3 May, Jehovah's Witnesses told Forum 18. The trial is due to resume on the morning of 18 May, they added.

In the morning of 29 April in the southern town of Lenkoran close to the border with Iran, police, NSM secret police and the local official of the State Committee raided the private home of local Jehovah's Witness Gulnaz Nasirova. The website of the Interior Ministry noted the same day that the joint operation had been launched to prevent Nasirova from promoting her faith without state permission. It said 19 religious books "forbidden by law" had been confiscated. It said an investigation was now underway.

Lenkoran police refused to discuss the raid on Nasirova's home with Forum 18 on 11 May. The telephone of Miryahya Badirov, local official of the State Committee, went unanswered between 11 and 13 May.

Jehovah's Witnesses insist that neither Bakirov nor Nasirova committed any offence, but fear that both could face heavy fines under the massively increased penalties.

On 6 May, police in the central town of Mingechaur raided a private home owned by a Nursi reader, fellow Nursi readers who asked not to be identified for fear of state reprisals told Forum 18. Police confiscated at least one copy of the Koran and took one woman to the police station for questioning.

Warned never to visit Gyanja

In the wake of the detention in Gyanja of a group of pilgrims from the south-eastern town of Salyan, Muslims from the town are afraid to travel to noted Muslim sites in Gyanja, local human rights activist Emil Mamedov of the Support to Democracy group told Forum 18 from the town on 27 April.

The 14 pilgrims from Salyan – including several children - were detained while having lunch in a restaurant on 17 April after visiting the city's Imamzadeh Mosque, Sheikh Nizami Mausoleum and Shah Abbas Mosque. They were held at Gyanja Nizami District Police for six hours, questioned and threatened before being freed. Even though Salyan authorities had told Nizami District Police by telephone that the 14 were bona fide pilgrims, Nizami District Police warned them never to return to the city.

Although Mamedov insists they were not detained for religious reasons – he believes the Gyanja police feared opposition political meetings – he says the detentions have had a chilling effect on local Muslims.

Officers at Nizami District Police refused to discuss with Forum 18 why the 14 pilgrims had been detained and threatened. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1192.

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

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

For a personal commentary, by an Azeri Protestant, on how the international community can help establish religious freedom in Azerbaijan, see http://www.forum18.org/Archive.php?article_id=482.

A printer-friendly map of Azerbaijan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=azerba>.

Islamic party unregistered

Baku major's office asked to permit rally for guaranteeing religious rights

Interfax-Religiia (11.04.2011) / HRWF (15.04.2011) - <http://www.hrwf.net> - The Islamic party of Azerbaijan addressed Baku authorities with a request for permitting a rally on 24 April.

"In conducting this action we intend to call the attention of the public to the situation in the religious sphere and the problem with the prohibition of wearing hijab in educational institution, and to provide the public information about violations of the rights of members of the party who were arrested," a member of the supreme council of the party, Natig Kerimov, told Interfax.

He recalled that previously the mayor's office had refused to permit the party to conduct a rally last Friday on the "Azadlyg" ("Liberty") square using the slogans "Liberty for Karabakh!" "Put an end to pressure on Islamic values!" and "Liberty for prisoners of conscience!" "Thus we are ready to conduct a rally in the place city authorities designate," N. Kerimov said.

He said that ten leaders and activists of IPA who were arrested are still in detention.

In January and February of this year the head of the Islamic party, Movsum Samedov, and nine activists were arrested. They were accused of an attempt to seize power, creation of an organized crime group, illegal possession of weapons, etc.

IPA was created at the beginning of the 1990s, although in 1997 the party's activity was temporarily halted in connection with the arrest of the chairman of its supreme council, Haji Muzaffer Jebrail-zade, on a charge of spying for Iran. Two years later IPA resumed its activity, although to the present is has been unable to restore its registration with the Ministry of Justice.

Riot police versus worshippers

By Felix Corley

Forum 18 News (08.04.2011) / HRWF (17.05.2011) - <http://www.hrwf.net> - Three religious communities in Azerbaijan's second city Gyanja have been banned from meeting for worship, Forum 18 News Service has learned. Babek Sadykov of Gyanja Police completely denied this, claiming to Forum 18 that "no one is being prevented from worshipping". Local people, who wished to remain anonymous for fear of state reprisals, told Forum 18 that one of the communities was warned that "if they met for worship on the following Sunday or at any future date they will all be arrested". Two buses full of ordinary police and riot police later arrived to prevent any religious worship. Protestants told Forum 18 that the church had already reluctantly decided not to hold one big Sunday service that day. "People are now very afraid." Meanwhile, a government-initiated World Forum on Intercultural Dialogue was told by President Ilham Aliiev that "freedom of religion, freedom of conscience have been fully established in Azerbaijan".

One of three religious communities in Azerbaijan's second city Gyanja [Gäncä] banned from meeting for worship received a Sunday morning visit from ordinary police and riot police to prevent them worshipping, local Christians who asked not to be identified to prevent state reprisals told Forum 18 News Service. The worship bans were imposed in mid-March because the communities do not have state registration, local people who asked not to be identified for fear of state reprisals told Forum 18. However, Babek Sadykov, Senior Assistant to Gyanja's Police Chief, completely denied that any police had been sent to prevent anyone from worshipping. "There wasn't such a case," he told Forum 18 from the city on 6 April. "No one is being prevented from worshipping."

The Gyanja worship meeting bans come as members of the only Sunni mosque in the city are continuing their campaign to have it reopened after the state forcibly closed it (see F18News 5 April 2011 http://www.forum18.org/Archive.php?article_id=1558).

Freedom of religion and conscience "fully established in Azerbaijan"?

The local representative in Gyanja of the State Committee for Work with Religious Organisations, Firdovsi Kerimov, refused absolutely to discuss warnings he issued to the three communities with Forum 18 on 6 April, putting the phone down immediately.

Similarly dismissing complaints was Yusif Askerov, head of the Registration Department at the State Committee in the capital Baku. "Let them tell our local representative Firdovsi Kerimov – he will sort it out," he told Forum 18 on 6 April. Informed that Kerimov had issued the bans on the three communities' activities and – at least in the case of one of them - warned that if they meet again for worship they will all be arrested, Askerov responded: "He doesn't have the right to arrest anyone."

President Ilham Aliiev, speaking at the official opening in Baku of a government-initiated World Forum on Intercultural Dialogue on 7 April, claimed that "it is already a fact that there is a high level of ethnic and religious tolerance in Azerbaijan, and it is the source of our strength". "Freedom of religion, freedom of conscience have been fully established in Azerbaijan," he also declared, according to the text of the speech published on the presidential website. "Independently of ethnic or religious affiliation, any individual living in Azerbaijan is our valued citizen."

But how can people enjoy these "fully established" rights?

Forum 18 asked Askerov of the State Committee how the three Gyanja communities – and the many religious communities of all faiths who either cannot get or do not want state registration – can meet for worship without the threat of police raids and arrests. The right to freedom of religion or belief is within Azerbaijan's Constitution and its international human rights obligations, as are the interlinked rights to freedom of assembly and freedom of expression. However, Askerov appeared not to have an answer. "Well, the law does not allow them to meet as a community, but they can meet as individuals," he eventually said.

According to the State Committee's own figures, more than 300 religious communities which have lodged registration or re-registration applications are still languishing without legal status. The harsh 2009 Religion Law specifies – in defiance of Azerbaijan's international human rights commitments – that unregistered religious activity is illegal (see F18News 7 April 2011 http://www.forum18.org/Archive.php?article_id=1559).

Told that many religious communities – including Muslims who read the works of the late theologian Said Nursi, Protestants of various communities, Jehovah's Witnesses and others have suffered raids, fines and even short-term detentions within the past year for meeting for worship – Askerov responded: "Well, let them tell our local representatives." However, he could not explain how this could help communities threatened for meeting without state registration.

"You'll be arrested"

Trouble began for the three Gyanja communities in mid-March. State Committee local representative Kerimov told the local media on 29 March that he had warned the Star of the East Pentecostal Church and a Baptist congregation, as well as the New Apostolic Church not to meet for worship as they do not have state registration. He said two of the three had lodged registration applications, but were being "temporarily" closed down

pending registration. He implied that the third had not applied for registration, and insisted that all religious communities functioning without registration will be closed down.

Kerimov and a local police officer visited the Star of the East congregation in mid-March, local Protestants told Forum 18. "They warned them that if they met for worship on the following Sunday or at any future date they will all be arrested."

To back up their threat, two buses full of ordinary police and riot police arrived at the church building the following Sunday, 20 March, to prevent any religious worship, Protestants told Forum 18. The church had already reluctantly decided not to hold one big Sunday service that day. "People are now very afraid. The local police officer keeps checking that they are not meeting."

Officials change their mind

In early 2009, well before the 2009 Religion Law came into force, the Gyanja Star of the East congregation applied for state registration, paying the relevant fee but receiving no official response. After the 2009 Religion Law came into force, the State Committee in the capital Baku told Star of the East's leadership in Baku that their Baku branch had to re-register before other branches could apply. But officials also told Star of the East that all their branches in the country could continue to meet and worship while the re-registration and registration processes continue.

However, after the Gyanja worship ban, when church members asked officials of the national State Committee in Baku about the ban on worship, officials merely replied that unregistered religious worship is illegal.

As Star of the East's Baku branch – along with many religious communities of many faiths – has not received registration, the Gyanja branch has not yet applied. The severe delays and hostility encountered in the registration and re-registration process is intensely frustrating to many religious communities (see F18News 7 April 2011 http://www.forum18.org/Archive.php?article_id=1559).

The other two March Gyanja bans

Similarly, the leader of Gyanja's New Apostolic Church congregation was summoned in mid-March and told that it cannot meet for worship because it does not have registration, church members told Forum 18. They stressed though that no threats of arrest were issued. Officials refused to put this ban in writing. Church members say their meeting place was later visited to check that they were not meeting.

The congregation – which meets in rented property in Gyanja - is supported by the German branch of the New Apostolic Church, which has its headquarters in Switzerland.

Church members told local officials that the state registration for their Baku congregation – which like many other religious communities in Azerbaijan is awaiting re-registration – remains valid also for their Gyanja congregation. They say they are planning to bring the certificate to Gyanja to show to local officials in an attempt to have the worship ban lifted.

It is not clear which Baptist church was warned. Ilya Zenchenko of the Baptist Union told Forum 18 on 6 April that their community in Gyanja had not been threatened or raided, as have members of the Council of Churches Baptists. Other Protestants have also told Forum 18 that they do not know which Baptist church was warned by State Committee representative Kerimov.

Widespread violations of freedom of religion or belief

In Gyanja itself, religious communities have frequently been the target of religious freedom violations in recent years, such as Muslims who want the only Sunni mosque in the city reopened after the state forcibly closed it (see F18News 5 April 2011 http://www.forum18.org/Archive.php?article_id=1558). Other targets for religious freedom violations in Gyanja include Muslims who read the works of Said Nursi, Baptists, Adventists and Jehovah's Witnesses. State Committee representative Kerimov took part personally in a raid on a Jehovah's Witness meeting in a private home in December 2010. Of six Jehovah's Witnesses detained, three were fined, one was given an official warning and two (both Georgian citizens) were ordered deported (see F18News 7 January 2011 http://www.forum18.org/Archive.php?article_id=1527).

Gyanja Appeal Court rejected the appeals of at least two of the Jehovah's Witnesses on 14 January, the Court website notes.

Violations of freedom of religion or belief take place frequently throughout Azerbaijan. For example, the leader of the Star of the East congregation in Sumgait, a port north of Baku, was summoned by the local police officer in March and warned that the community must not meet for worship, Baku-based Protestants who asked not to be identified for fear of reprisals told Forum 18. The leader has already been fined for religious activity.

Among other violations of freedom of religion or belief affecting worship meetings since the beginning of 2011, a mosque in Qobustan (Maraza) has been closed down – one of many forcibly closed in the country (see F18News 5 April 2011 http://www.forum18.org/Archive.php?article_id=1558); teachers and a local official prevented school-age boys attending Friday prayers at the only mosque in Yevlakh [Yevlax] (see F18News 16 February 2011 http://www.forum18.org/Archive.php?article_id=1541); and a Protestant in northern Azerbaijan was fined three weeks' average local wages in his absence for leading unregistered worship (see F18News 24 January 2011 http://www.forum18.org/Archive.php?article_id=1531);

In addition a Jehovah's Witness in Gakh in north-western Azerbaijan was told she had been fined in her absence for religious activity (see F18News 21 February 2011 http://www.forum18.org/Archive.php?article_id=1543), and Azerbaijan marked the tenth anniversary of its accession to the Council of Europe by rejecting a prisoner of conscience's appeal against his conviction and nine month jail term for conscientious objection to military service (see F18News 22 February 2011 http://www.forum18.org/Archive.php?article_id=1544).

The former leader of the Seventh-day Adventist Church in Azerbaijan, Russian citizen Ivan Uzun, was deported to punish him for his religious activity after a Saturday service was raided in Baku. Another Adventist, Moldovan citizen Gheorghiy Sobor, was finally able to return to his wife and children in Baku in February, eight weeks after being denied re-entry to Azerbaijan to punish him for his religious activity (see F18News 16 February 2011 http://www.forum18.org/Archive.php?article_id=1541).

Gaining legal status "a torturous process"

By Felix Corley

Forum 18 News (07.04.2011) / HRWF (11.04.2011) – <http://www.hrwf.net> - A very wide range of Azerbaijan's religious communities have independently told Forum 18 News

Service that the compulsory re-registration process to re-gain legal status is "torturous". Under the 2009 Religion Law it was supposed to have been completed by 1 January 2010, but according to the State Committee's own figures at least 300 religious communities are still without legal status. Unregistered religious activity is, against international human rights standards, banned. However, Yusif Askerov, head of the Registration Department at the State Committee for Work with Religious Organisations in the capital Baku, brushes aside such complaints. "We're trying to help religious communities with the re-registration process," he claimed to Forum 18 on 6 April.

Communities that had managed to gain registration since the last round of re-registration in 2002 complained that they had to rush to complete extensive and complex documentation by the deadline. The many communities that had arbitrarily been denied registration since 2002 complained that - if they wanted to try again for registration - they had to once again go through the complex bureaucracy of acquiring the necessary state documents to re-apply.

All the re-registration applications from communities Forum 18 has spoken to were made before 31 December 2009, in the majority of cases in the autumn of that year. Some communities who did not have registration, were refused it, or had no answer to an original application, have applied for registration for the first time since 2009.

"Torturous process"

Religious communities complain that the process is extremely slow and difficult, some independently describing it as "a torturous process". Typically, over 15 separate documents are required, many of them officially notarised. These are required from both people designated by the community as founders and for the communities themselves. Among the required documents are: minutes of approved meetings; reasons why founders have changed (if they have since the community was previously registered); and reasons for any changes of address.

Communities complain that State Committee officials arbitrarily and repeatedly question information in founding documents on the aims and procedures, the identity of office-holders, the territory where the community operates, and the address the community wished to register at. Officials also have questioned the grammar of registration applications, and the completeness of documentation provided.

Several religious communities have told Forum 18 that the State Committee dismisses their complaints about slowness and hostility in processing registration applications. Some have complained of officials telling them: "If you're not happy you can take us to court." They complain that the statutes of the State Committee require it to help religious communities, yet this is not what the Committee does.

One representative of a religious community – who, like many, asked not to be identified for fear of state reprisals against their community – told Forum 18 in February that the State Committee's activity is "anti-Constitutional". "Our rights to practice our faith are guaranteed in Azerbaijan's Constitution, but the State Committee acts against this. Even its very existence is against the Constitution. But religious communities are paralysed with fear that, if they speak out, their registration chances will be reduced to zero."

Defiance of international human rights obligations

Prominent among religious communities which have failed to gain legal status are all independent mosques outside the framework of the state-backed Caucasian Muslim Board, as well as some of the Board's own mosques. Also without legal status are Baku's Catholic parish, almost all Protestant denominations (including Baptists, Seventh-day Adventists and Pentecostals), as well as Jehovah's Witnesses. The handful of Protestant

churches allowed to re-register include Baku's Erlösergemeinde Lutheran community, three Molokan communities in Baku, Sumgait and Hilmilli, as well as New Life Church in Baku.

In defiance of the country's international human rights obligations, Azerbaijan's harsh new 2009 Religion Law imposes compulsory registration and declares all unregistered religious activity illegal. The new Law imposed compulsory re-registration of all registered religious communities, setting the deadline of 1 January 2010.

Threats and riot police

Askerov of the State Committee insisted to Forum 18 that the registration certificates of religious communities which had registration under the old system remain valid while the re-registration process continues. "They can therefore still meet for worship," he claimed.

He pointed out – correctly – that the State Committee would have to go to court in each case to liquidate a community's legal status. He said his Committee has not done so yet for any community.

But despite Askerov's assurances, many religious communities which have failed to gain re-registration are vulnerable to official threats, police raids and possible fines. The State Committee representative in Azerbaijan's second city Gyanja [Gäncä] ordered three religious communities which did not have legal status to close in March. One, Star of the East Pentecostal Church, was visited by two bus loads of riot police and ordinary police to stop them meeting for worship.

Why so slow?

Askerov confirmed to Forum 18 that the 510 religious communities listed as registered on the State Committee website (493 Muslim and 17 of other faiths) are the only ones so far to have gained re-registration, although the deadline was more than 15 months ago. He admitted that the last community re-registered was on 8 December 2010, and that no new communities had been registered since then.

The government's report to Parliament, the Milli Mejlis, for 2010 notes that 814 religious communities applied for registration or re-registration to the State Committee, the APA news agency stated on 7 March. It said 780 were Islamic and 34 of other faiths. A total of 30 applications were rejected because the communities were harmful or their documentation was not in order, it added.

Told that religious communities are highly frustrated by the long delay and afraid of being raided and punished, Askerov insisted his Department is working efficiently to process the applications. "More than 700 communities lodged applications – we have to check them carefully and there are many mistakes."

In June 2010 after a visit to Azerbaijan, Thomas Hammarberg, the Council of Europe's Commissioner for Human Rights, condemned the re-registration requirement and the difficulties for many religious communities over re-registration. "In the Commissioner's view, the obligation for all religious communities to re-register – if they wish to continue to legally exist – appears to be quite superfluous and should in any event be less cumbersome," he wrote.

Askerov brushed aside Hammarberg's complaints, telling Forum 18 that religious communities have not complained to the State Committee.

He pledged that a further batch of communities will be re-registered by the end of April. The only one of these he would identify is Baku's Catholic congregation. "They wanted to

register a Centre," he told Forum 18, "but they didn't have enough members for that." Informed that international human rights commitments allow religious communities to choose how to structure themselves, Askerov rejected this. "They cannot register a Centre, but we've agreed to give the community registration."

Askerov stressed that, as a state official, he can merely implement the law, which bans all unregistered religious activity. Islamic communities were also targeted by a second package of 2009 restrictions on freedom of religion or belief. Under this second package of restrictions, mosques can only apply for registration if they are part of the state-backed Caucasian Muslim Board.

Appeals to European Court in Strasbourg if necessary

Askerov of the State Committee Registration Department confirmed to Forum 18 that two religious communities who applied for registration in 2009 – the Jehovah's Witnesses and the Baku-based Cathedral of Praise Pentecostal Church – have lodged suits in court challenging registration denials.

Sabail District Court – the local Baku court for the State Committee where such suits are initially heard – rejected the Jehovah's Witness suit in July 2010. Its first appeal to Baku Appeal Court was rejected on 6 January, the Court website notes.

On 4 March, Jehovah's Witnesses lodged a further appeal to the Supreme Court. They told Forum 18 that they are prepared to take their case to the European Court of Human Rights (ECtHR) in Strasbourg if what they regard as the unjust registration denial is not overturned.

Cathedral of Praise – a congregation affiliated with the Word of Life Church in Sweden – failed in its suit to Sabail District Court in July 2010. On 13 December 2010, Judge Mirza Tagazade rejected its first appeal at Baku Appeal Court, the Court website notes.

The Church's Pastor, Rasim Halilov, told Forum 18 it lodged a final appeal in mid-March to the Supreme Court, which is due to hear the appeal on 14 May. He also said they would also take their case to the ECtHR in Strasbourg if necessary.

Baptist Union head Zenchenko told Forum 18 on 6 April that it too is planning to lodge a suit in court against the State Committee. This is both because of the Committee's failure to register Baptist congregations, and over what Baptists state are violations of the religious freedom guaranteed in Azerbaijan's Constitution and its international human rights obligations.

Other religious leaders told Forum 18 they are afraid to challenge the State Committee in court as they believe they cannot win. They state that this is because of the "corrupt nature of this country's courts", and their fear of antagonising the State Committee still further.

"We don't want to have to pay such fines"

Askerov of the State Committee insisted to Forum 18 that the State Committee wishes to resolve these cases before they reach the ECtHR in Strasbourg. However, he gave no indication of how the State Committee might intend to resolve them.

Forum 18 reminded Askerov that the Moldovan government has been fined three times by the ECtHR for arbitrarily refusing legal status and punishing unregistered religious. The three cases were the Bessarabian Orthodox Church in 2001.

Askerov responded: "We don't want to have to pay such fines." But again he refused to

explain why the State Committee cannot take any measures to avoid communities needing to go to court to seek their rights.

Dialogue fails

Several religious communities – mostly Protestant – met Rabiyyat Aslanova, Chair of the Milli Mejlis Human Rights Committee, in December 2010 to discuss their concerns, including over denial of re-registration. Several participants told Forum 18 that the meeting had been positive, but they say Aslanova later backed the State Committee in what they call its "excuses" for denying or delaying re-registration.

Referring to the many forced closures of mosques, Deputy Aslanova has claimed to Forum 18 that "some mosques have been closed, but true believers aren't concerned about this".

Deputy Aslanova insisted to Forum 18 on 5 April that she set up the meeting to help religious communities. She said she had met State Committee Chair Hidayat Orujev and insisted that the problem needed to be resolved. She added that he had explained that many applications were not in order but that the State Committee would help them.

She claimed that because she had heard nothing more from the religious communities who attended the December 2010 meeting that they no longer had any complaints. "I did all that I could," she told Forum 18. "I was convinced the problem was solved." She denied that she was powerless to help religious communities achieve their rights.

"True believers aren't concerned"

By Felix Corley

Forum 18 News (05.04.2011) / HRWF (17.05.2011) – <http://www.hrwf.net> - As yet a further mosque is reported closed, parliamentarian Fazil Gazanfaroglu Mustafaeiev complained to Forum 18 News Service of the continued enforced closure of places of worship. He cited the Turkish mosque near parliament where he regularly prayed, whose 2009 closure he termed "unfounded". Local Muslims told Forum 18 officials in Qobustan closed and sealed their mosque on 4 March with no explanation. They said denials to Forum 18 from Administration and local police officials were lies. Members of the only Sunni mosque in Azerbaijan's second city Gyanja are continuing their campaign to have it reopened, though the city's Administration chief told them it was not his business. Baku's Baptists are renewing their campaign for the return of their church ceremonially opened exactly a century ago but confiscated during Soviet rule. Rabiyyat Aslanova of Parliament's Human Rights Committee admitted mosques have been closed, but told Forum 18 that "true believers aren't concerned about this".

Rabiyyat Aslanova, Chair of the Human Rights Committee of Azerbaijan's Parliament, the Milli Mejlis, has dismissed concerns about the government's refusal to allow the reopening of mosques and other places of worship it has closed. "Some mosques have been closed, but true believers aren't concerned about this," she told Forum 18 News Service from the capital Baku on 5 April. "Muslims can pray anywhere, let them go to other mosques or pray at home.", the deputy from the ruling New Azerbaijan Party said. Members of several mosques have told Forum 18 they have requested the reopening of their mosques in vain, while Baptists told Forum 18 they are seeking permission to hold an Easter service in their century-old church in central Baku that they have long sought to regain.

However, Aslanova's fellow deputy Fazil Gazanfaroglu Mustafaev of the opposition Great Formation Party insists that the continued enforced closure of places of worship is wrong. "Preventing the holding of religious rituals in places of worship should stop," he told Forum 18 from Baku on 5 April. "There should be no delay in their reopening."

Deputy Aslanova's comments come amid reports of a further mosque closure in early March in the town of Qobustan (Maraza), west of Baku, though local officials vehemently denied this to Forum 18.

No one from the State Committee for Work with Religious Organisations was available to discuss the refusal to allow various religious communities to reopen their closed places of worship.

Unlike members of the closed mosques, Rahima Dadasheva, spokesperson for the state-backed Caucasian Muslim Board, appeared not to be too concerned by their closure. "Of course we want there to be more mosques and we want all mosques to be open," she told Forum 18 from Baku on 5 April. "But we want them to be legal. The trend is in the right direction."

Tight state controls

Azerbaijan imposes tight controls on all its religious communities. It has banned unregistered religious activity, in defiance of its international human rights obligations. At the same time it has so far failed to re-register many religious communities that applied for compulsory re-registration by the deadline of the end of 2009. Only mosques under the Caucasian Muslim Board are allowed to seek registration. Many mosques, Baku's Catholic community, and all Baptist, Adventist, Pentecostal and Jehovah's Witness communities remain in an uncertain legal position without the necessary re-registration (see F18News 7 April 2011 http://www.forum18.org/Archive.php?article_id=1559).

Muslims, Protestants and Jehovah's Witnesses are among communities to face police raids, threats and fines for unregistered religious worship (see e.g. F18News 24 January 2011 http://www.forum18.org/Archive.php?article_id=1531). In one recent incident, two bus loads of riot police and ordinary police were used to stop Protestants worshipping. They are among three religious communities in Azerbaijan's second city Gyanja [Gäncä] who were in March banned from meeting for worship (see F18News 8 April 2010 http://www.forum18.org/Archive.php?article_id=1560).

New mosque closure?

Officials in the town of Qobustan tried to close the town's Juma Mosque on Friday 25 February, but community members managed to get in to pray, local residents who asked not to be identified told Forum 18. The following Friday, 4 March, officials from Qobustan Regional Administration came and sealed the mosque before prayers began, telling local Muslims that this had been done on the orders of Administration Head Ismail Veliev. Officials refused to give any reason for their action, residents told Forum 18. However, they attributed the closure to officials' concern that Muslims gathering in the mosque could become involved in public protests.

After news of the closure, a photo of what local people said was the seal on the mosque door and a video of about 15 men praying outside in the snow was posted on the website of the opposition newspaper Azadliq on 4 March, police and the local Prosecutor's Office began hunting those who had provided the information, residents told Forum 18. "The police chief told people that if anyone gives further information about the mosque closure to the newspapers he will arrest them."

The Juma Mosque was built in 1994 and is under the jurisdiction of the Muslim Board. It appears on the current list of religious organisations registered with the State Committee. Forum 18 was unable to reach the mosque's imam, Haji Dergah.

Qobustan's other mosque is the Heidar Aliev Mosque, named after Azerbaijan's late President. "Some believers won't go to pray there, because they believe that a mosque is the house of God, and should never be given the name of a political leader," one resident told Forum 18.

Officials deny mosque closure

However, officials totally denied that they had closed any mosque in Qobustan. "Both mosques in the town are functioning normally, as well as the Christian Molokan prayer house," Avtandil Ashikarov of the Culture, Sport and Health Department of Qobustan Regional Administration insisted to Forum 18 on 4 March. "Ismail Veliev gave no such order to close a mosque. The local authorities don't have the right to intervene in the affairs of religious organisations, so it could not have happened."

Similarly an officer of Qobustan Regional Police – who would not give his name or rank – denied any mosque closure. "No mosque has been closed or sealed. It's a lie – you've been given false information," he told Forum 18 on 5 April.

Dadasheva of the Caucasian Muslim Board told Forum 18 that after reading about the closure in the paper she had consulted a colleague, who did not confirm the closure. "As far as I know there is no problem there."

However, local residents insisted to Forum 18 the same day that the Juma Mosque remains sealed. They said police and Prosecutor's Office officials continue to harass local Muslims, who are preparing to launch public protests over the closure.

Gyanja's Sunni mosque remains closed

Members of the only Sunni mosque in Gyanja, known as the Albanian Mosque, have seen "no movement" in their campaign to achieve its reopening, community member Vidadi Abbasov told Forum 18 from city on 4 April. "The only hope we have is what God gives."

The Mosque – which opened in 1995 – was suddenly closed by the authorities in 2009 without explanation (see F18News 17 September 2009 http://www.forum18.org/Archive.php?article_id=1350). Mosque members are now forced to pray in small groups in private homes, though under often close police surveillance (see F18News 24 January 2011 http://www.forum18.org/Archive.php?article_id=1531).

Abbasov told Forum 18 that the Mosque building was given to the Culture Ministry for use as a library, though he said it has not yet opened.

But Rufat Nuriev, head of the Cultural Heritage Department at the Culture Ministry in Baku, denied that the building is in its hands. "The building was used illegally for religious purposes in the 1990s," he insisted to Forum 18 on 5 April. "We don't know who these people were and the community didn't have registration." He said the building is in the hands of the city Administration, which is in charge of establishing the library there.

Abbasov said that after earlier letters to President Ilham Aliev, the State Committee, and the head of the Caucasian Muslim Board Sheikh-ul-Islam Allahshukur Pashazade failed to secure the building's return for worship, the community has continued its campaign. He said it has put its case to the new Head of the city Administration, Elmar Veliev,

appointed in February 2011. "He told us the issue was not his business," Abbasov lamented to Forum 18.

Also in Gyanja, riot police have been used to stop Protestants worshipping. They are among three religious communities in the city banned in March from meeting for worship (see F18News 8 April 2010 http://www.forum18.org/Archive.php?article_id=1560).

Baku's Turkish mosque remains closed

Opposition parliamentary deputy Gazanfaroglu complains about the continued closure of the Martyrs' Mosque, built at Turkish government expense in the 1990s close to Azerbaijan's parliament. "I used to pray there regularly until it was closed in 2009," he told Forum 18. "Its closure is unfounded." He said claims that the building is being renovated are untrue. "I can't see any repairs underway." He called for its reopening.

The Mosque was along with other mosques targeted by a 2008 "temporary" ban on praying outside all mosques in the country, which still continues (see F18News 18 September 2008 http://www.forum18.org/Archive.php?article_id=1188). It was subsequently closed (see F18News 17 September 2009 http://www.forum18.org/Archive.php?article_id=1350).

However, government parliamentary deputy Aslanova insists that the closure was ordered on the grounds of safety because of the danger of landslides underneath the building. "Permission should never have been given to build on that site," she claimed to Forum 18.

Dadasheva of the Caucasian Muslim Board insisted to Forum 18 that the issue of the mosque lies in the hands of the state, not her Board.

Baku's Abu-Bekr mosque remains closed.

Members of Baku's Abu-Bekr mosque – hit by a grenade attack in August 2008 that killed several people – have rejected state claims that it remains too dangerous to reopen the mosque. The community has made repeated efforts to return to their Mosque (see eg. F18News 16 April 2009 http://www.forum18.org/Archive.php?article_id=1284). "Officials keep the mosque closed and won't say when it might reopen," the community's lawyer Javanshir Suleymanov told Forum 18 from Baku on 4 April. "We don't know which government agency is holding this up."

A court ruling in 2009 that the Mosque should be allowed to reopen was overturned (see F18News 17 September 2009 http://www.forum18.org/Archive.php?article_id=1350). After this, Suleymanov said, the community lodged a complaint to the United Nations Human Rights Committee (see F18News 17 September 2009 http://www.forum18.org/Archive.php?article_id=1350). The Committee has sought and received further documentation backing up the complaint, but has not yet issued a ruling, the lawyer added.

Suleymanov added that the mosque's imam Gamet Suleymanov (no relation) lodged a case against the Azerbaijani government to the European Court of Human Rights (ECtHR) in Strasbourg (Application No. 16599/09) over its failure to recognise anyone as victims of the attack. The Court told Forum 18 on 5 April that it registered the case on 13 March 2009, but that no admissibility decision has yet been taken.

Parliamentary deputy Gazanfaroglu is among those who insist that "there should be no delay in reopening the Abu-Bekr Mosque".

When will promised mosque completion begin?

Although building work at the Fatima Zahra Mosque in Baku's Surakhani District remains at a standstill, community leader Tofiq Razizade remains optimistic that the state will resume the building work, complete the mosque and allow it to reopen for worship. "If the state promised that it will complete the rebuilding, we believe it will fulfil its promise," he told Forum 18 from Baku on 4 April.

After mass protests against the proposed demolition of the half-finished mosque and a ban on Friday prayers there, President Aliiev ordered in May 2010 that it be handed over to the Caucasian Muslim Board for completion and reopening. Salman Musayev, the Board's deputy head, estimated to Forum 18 the same month that completing building work and reopening the mosque would be a question of "several months" (see F18News 27 May 2010 http://www.forum18.org/Archive.php?article_id=1451).

Razizade told Forum 18 he does not know when building will resume. He said only the guards and a handful of people pray inside the half-finished building on Fridays "so that there will not be problems", an apparent allusion to police intervention to prevent large numbers of people praying there in late 2009 when the Surakhani authorities ordered its closure and destruction.

Dadasheva of the Muslim Board told Forum 18 that the state had promised that the Fatima Zahra Mosque would be handed to it as soon as building work was completed. "The question will be resolved at a state level. I'm sure when it takes it on it will be done quickly."

No one at the Surakhani District Administration was available on 5 April to explain to Forum 18 when rebuilding will begin.

Baptists seek historic church return

Baku's Baptist community has requested permission to hold an Easter service at its historic church on the central Azadlyq street on Sunday 24 April as they await a decision on whether it will be returned. The community has been seeking the return of its church – closed during the Communist period and which has been used in recent decades as a cinema, a games hall and is now being turned into a theatre – since 1989. The church was ceremonially opened exactly 100 years ago in 1911 (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246).

The Baptist community has renewed its appeals for the return of the church, writing in October 2010 to President Aliiev and to Hidayat Orujev of the State Committee, in December 2010, January 2011 and February 2011 to the Culture Ministry. "We want it back because it is God's house, a holy place," the head of the Baptist Union Ilya Zenchenko told Forum 18. "It offends our feelings that the church our grandparents built has not been returned."

The Baptists asked to be allowed to hold a Christmas service there, but this was refused, Zenchenko added. He said he hopes that permission for the Easter service there will be granted.

Nuriev of the Culture Ministry told Forum 18 he had never heard that the building was once a church. "No Baptist church is registered, so no application from them for the building can be considered." He declined to say whether it was just that places of worship seized from religious communities by the Communist regime had not been given back. He said the building does not belong to the Culture Ministry but to the State Property Committee.

Parliamentary deputy Gazanfaroglu said he was not aware that the building had been built by the Baptists. "But if it was built for religious purposes it should be returned," he told Forum 18.

Will Lutherans return to historic Kirche?

Another historic church building in central Baku is the century-old German Lutheran church, known as the Kirche. Currently in the hands of the Culture Ministry, the Lutheran Erlösergemeinde congregation was forced to leave in 2010 when it was closed for renovation. The building was ceremonially reopened after extensive renovation on 26 December 2010.

However, so far it remains unclear when the Lutheran congregation will be allowed to return. "Our last service in our historic church was on Easter Sunday 2010," one church member told Forum 18. "We're looking forward to being allowed to resume our worship there soon."

Among Protestant churches, only a few have been re-registered and so given legal status. These include Baku's Erlösergemeinde Lutheran community, three Molokan communities in Baku, Sumgait and Hilmilli, as well as New Life Church in Baku (see F18News 10 December 2010 http://www.forum18.org/Archive.php?article_id=1520).

Georgian Orthodox denied historic property

Georgian Orthodox Christians in the north-western Gakh Region, which borders Georgia, have in the past complained about the authorities' refusal to allow them to regain historic Georgian Orthodox churches in local villages (see F18News 29 January 2009 http://www.forum18.org/Archive.php?article_id=1246).

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Continued defiance of UN and Council of Europe

By Felix Corley

Forum 18 (22.02.2011) / HRWF (28.02.2011) - <http://www.hrwf.net> - On 25 January, the same day Azerbaijan marked the tenth anniversary of its accession to the Council of Europe, the Supreme Court in the capital Baku rejected the final appeal of imprisoned Jehovah's Witness conscientious objector Farid Mammedov against his nine-month prison sentence, Jehovah's Witnesses told Forum 18 News Service. Azerbaijan committed itself on accession to the Council of Europe to ending prosecution of conscientious objectors and to introduce an alternative civilian service, but failed to do so. Mammedov is preparing a case at the European Court of Human Rights (ECtHR) in Strasbourg. Two other conscientious objectors sentenced earlier are awaiting decisions by the ECtHR as to whether their cases against Azerbaijan can go forward.

The appeal comes as Azerbaijan has imposed a fine for religious activity without state permission - without informing the victim she was being tried for this "offence". This is the second such case known to Forum 18 in 2011.

Final domestic appeal fails

Azerbaijan's Supreme Court rejected the final domestic appeal by imprisoned conscientious objector Farid Mammedov on 25 January, Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, told Forum 18 from Baku.

Mammedov was found guilty on 16 July 2010 at Baku's Nasimi District Court under Criminal Code Article 321.1 and sentenced to nine months' imprisonment. This Article states that: "Evasion without lawful grounds of call-up to military service or of mobilisation, with the purpose of evading serving in the military, is punishable by imprisonment for up to two years [in peacetime]".

The verdict decreed though that the sentence would not be enacted immediately. However, on 8 September 2010 Mammedov was arrested in the courtroom as his first appeal was rejected by Baku Appeal Court and sent to a labour camp to serve the sentence.

Another Supreme Court appeal fails

Less than a month before it rejected Farid Mammedov's appeal, the Supreme Court in Baku on 29 December 2010 also rejected the final appeal against a conviction under Article 321.1 from fellow Jehovah's Witness Mushfiq Mammedov (no relation of Farid).

Mushfiq Mammedov 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. He then appealed to the Supreme Court. He paid the fine "under protest", Jehovah's Witnesses told Forum 18 earlier.

Defiance of international human rights obligations

Ahead of its accession in January 2001 to the Council of Europe, Azerbaijan promised "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".

In August 2009 Concluding Observations on Azerbaijan's report to the United Nations (UN) Human Rights Committee (CCPR/C/AZE/CO/3), the Committee stated that it: "remains concerned that no legal provision regulates the status of conscientious objectors to military service (art. 18). The Committee recommends that a law exempting conscientious objectors from compulsory military service and providing for alternative civilian service of equivalent length be adopted at an early date in compliance with article 18 of the Covenant and the Committee's general comment No. 22 (1993) on article 18 (Freedom of thought, conscience or religion)".

However, 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.

"I have not seen any text"

Talatum Guliev of the Milli Mejlis (parliament) says that no draft Alternative Service Law is on the legislative plan for the first half of 2011. "It was there in earlier years, but has been taken off," he told Forum 18 on 21 February. "Maybe it will be there for the autumn session, but who knows?"

Ilgar Gurbanov, deputy head of the Department of Legislation and Legal Expertise at the powerful Presidential Administration, told Forum 18 from Baku the same day that he had "no information" about any draft Law. "I have not seen any text."

An Alternative Service Law has long been promised, but the only action the state has taken is to continue prosecuting people who conscientiously object to compulsory military service. In September 2010 Guliev had told Forum 18 a law had been in the then plan, even though he added that "nothing real is happening".

Constitutional guarantee without value?

Farid Mammedov became a Jehovah's Witness in July 2004. He was in regular correspondence since 2006 with Baku's Nasimi District Military Conscription Office and the Defence Ministry insisting that he should be allowed to conduct an alternative civilian service in line with his religious beliefs. He pointed out the guarantee of an alternative service under Article 76 Part 2 of Azerbaijan's Constitution and Azerbaijan's commitments to introduce such a civilian alternative service on joining the Council of Europe. Despite presenting such arguments, the Prosecutor's Office launched a criminal case against him.

Article 76 Part 2 of the Constitution states: "If the beliefs of citizens come into conflict with service in the military then in some cases envisaged by legislation alternative service instead of regular military service is permitted".

Human rights defender Zeynalov points out that in December 2002, Baku's Khatai District Prosecutor's Office closed a similar criminal case against another Jehovah's Witness conscientious objector, Leonid Moroz. However, several subsequent conscientious objectors were imprisoned, given suspended sentences or fined.

"Reasonable" conditions in prison

Following his jail sentence, Farid Mammedov has been held in Prison No. 14 in the village of Gizilbash near Baku. It was there that he had his 23rd birthday in December 2010.

Conditions for him in prison are "reasonable", Jehovah's Witnesses told Forum 18. They said he is able to have some religious literature. "He has his Bible and two other books, which he can read anytime. He can also receive magazines and an official reads the magazines before giving them to Farid."

Some former prisoners have complained to Forum 18 that they were not allowed to have religious books, with Muslims being denied access to the Koran and Christians being denied access to the Bible.

Waiting for Strasbourg

Mushfiq Mammedov and another sentenced Jehovah's Witness Samir Huseynov (a prisoner of conscience from October 2007 to May 2008) lodged a joint application (No. 14604/08) on 7 March 2008 to the European Court of Human Rights. No admissibility decision yet been taken. "This application is pending before the Court and no date has yet been fixed for its examination," a Court spokesperson told Forum 18 from Strasbourg on 18 February.

Human rights defender Zeynalov points out that Jehovah's Witness conscientious objectors have won similar cases against a number of European countries at the ECtHR.

Why a fine with no notice of a trial?

By Felix Corley

Forum 18 (21.02.2011) / HRWF (28.02.2011) - <http://www.hrwf.net> - The deputy head of Gakh [Qax] District Police, Mirqamet Mushaliev, has refused to explain to Forum 18 News Service why he ordered a local Jehovah's Witness Rasmiyya Karimova not to conduct any religious activity and why he fined her in her absence. This is the second case known to Forum 18 so far in 2011 when fines for religious activity have been imposed in the victim's absence.

Meanwhile, imprisoned Jehovah's Witness conscientious objector Farid Mammedov is preparing a case at the European Court of Human Rights (ECtHR) in Strasbourg after Azerbaijan's Supreme Court rejected his final appeal against his nine-month prison sentence, Jehovah's Witnesses told Forum 18. Two other conscientious objectors sentenced earlier are awaiting decisions by the ECtHR as to whether their cases against Azerbaijan can be heard.

Increasing restrictions on religious freedom

Azerbaijan has been steadily increasing restrictions on freedom of religion or belief in recent years. In 2009, the Religion Law was twice amended, and new punishments for exercising the right to freedom of religion or belief were introduced into the Criminal Code and the Code of Administrative Offences. In December 2010, fines for religious activity under the Administrative Code were increased up to 20-fold.

These increasing restrictions are being put into action. In January 2011 alone: teachers and a local official prevented school-age boys attending Friday prayers at the only mosque in Yevlakh [Yevlax]; a Protestant in northern Azerbaijan, Ilham Balabeyov, was fined three weeks' average local wages in his absence for leading unregistered worship; and the former leader of the Seventh-day Adventist Church in Azerbaijan, Russian citizen Ivan Uzun, was deported to punish him for his religious activity after a Saturday service was raided in the capital Baku. Another Adventist, Moldovan citizen Gheorghiy Sobor, was finally able to return to his wife and children in Baku on 11 February, eight weeks after being denied re-entry to Azerbaijan to punish him for his religious activity.

The 2009 Religion Law amendments banned unregistered religious activity and required all religious communities to re-register. This is the latest of several re-registration demands since Azerbaijan regained independence in 1991. As of 21 February, nearly 14 months after the re-registration deadline, only 510 religious communities had gained registration, according to the website of the State Committee for Work with Religious Organisations in Baku. Many communities – including Muslims, almost all Protestant communities, Jehovah's Witnesses, as well as Baku's Catholic parish – have failed so far to get re-registration.

Fined in her absence

A 14 January 2011 document from the head of the Gakh District Court bailiffs, Elburus Hajiev, seen by Forum 18, informed Jehovah's Witness Karimova that on 28 December 2010 she had been found guilty under Article 299.0.2 of the Code of Administrative

Offences. This punishes "Infringement of the regulations on organising religious meetings or events".

The fine followed a large raid on Karimova's home in Gakh in north-western Azerbaijan in November 2010. She had had no notice of a court hearing, or of the possibility of being fined. She was fined 100 Manats (716 Norwegian Kroner, 92 Euros or 126 US Dollars), about three weeks' average wages for local state employees. The court document said that if she failed to pay the fine within the next ten days, bailiffs would seize property from her home to meet the fine. She was given ten days to appeal.

On 24 January 2011, Karimova lodged an appeal to Gakh District Court, sending copies of her appeal to Azerbaijan's President Ilham Aliiev, Human Rights Ombudsperson Elmira Suleymanova, Hidayat Orujev at the State Committee for Work with Religious Organisations, Council of Europe Commissioner for Human Rights Thomas Hammarberg, the Office in Baku of the Organisation of Security and Co-operation in Europe (OSCE), and others. As of 18 February, she had received no response from the Court.

The telephone of the regional representative of the State Committee in Agdash, Nizami Mammedov, went unanswered each time Forum 18 called on 21 February. Officials at the State Committee in Baku declined to answer any questions the same day.

Large raid on private home

About 15 police officers took part in the 11 November 2010 raid on Karimova's home in Gakh, as she complained in her appeal against her subsequent fine, seen by Forum 18. She and her husband Yusif (who is not a Jehovah's Witness) were away in Baku at the time, but were summoned back by the police. Officers accused them of having a gun and religious literature in the house. Several Jehovah's Witness books and DVDs in Azeri and Russian, and a personal notebook, were confiscated, as was Yusif Karimov's official identity document.

Those present in Karimova's house – who were shown a search warrant for the home – refused to allow police officers to search their personal bags.

Having returned to Gakh the following evening, both husband and wife went to the District Police. There a police officer who gave his name only as Nemat said verbally that they would be fined 100 Manats, while the confiscated literature would be sent for checking to the nearby town of Zakatala [Zaqatala]. (It remains unclear why police specified Zakatala, as the representative for this part of Azerbaijan of the State Committee – which operates the system of compulsory prior censorship – is located in the town of Agdash further south.) Nemat said that any "illegal" books would be confiscated, while any deemed "legal" would be returned.

Jehovah's Witnesses told Forum 18 that as of 18 February, more than three months after the raid, none of the confiscated literature had been returned.

Religious books are often confiscated in raids on private homes, as happened to one reader of the works of the Muslim theologian Said Nursi, Suleiman Mamedov, in the village of Bayandur in western Azerbaijan in May 2010. Books were also confiscated when Balabeyov's church service was raided ahead of his January 2011 fine.

Officer Nemat then took Karimova to the Deputy Police Chief Mushaliev, who shouted at her that she was not allowed to conduct any religious activity as it was against the law. Karimova responded that as an Azerbaijani citizen she is free to engage in religious activity.

Police summoned Karimova to return to write a statement on 13 November. Once there, police took her to the local Prosecutor, but he was not in his office. They tried to force her to sign a statement that she would not conduct religious activity but she refused. She was then allowed home and heard nothing more until she was told two months later that she had been fined.

Reached on 18 February, Deputy Police Chief Mushaliev confirmed his name and position, then when Forum 18 asked about why he had shouted at Karimova and fined her he claimed he was not Mushaliev. He then told Forum 18 to submit questions in writing and put the phone down.

Schoolboy prayer ban leads to two-day prison sentence

By Felix Corley

Forum 18 (16.02.2011) / HRWF (17.02.2011) - <http://www.hrwf.net> - Yevlakh, Azerbaijan - Boys of school age were prevented from attending Friday prayers at the Juma Mosque in the central town of Yevlakh on 21 January, local Muslims complained to Forum 18 News Service. Barring entry was a town administration official and the head teacher of a local school, but both refused to explain to Forum 18 why they had done so. A young man, Elvin Mamedov, was given a two-day prison sentence for failing to abide by police orders after he protested against the local police officer forcing entry into the home of a father who had defied the ban and taken his son to pray. Meanwhile, Seventh-day Adventist Gheorghiy Sobor was allowed to return to his family and home after being barred for eight weeks from returning to Azerbaijan. A Moldovan citizen, he and his wife have been required to pledge in writing that he will not conduct religious activity. "Of course we are not happy about this," Aida Sobor told Forum 18. "It's like living without an arm or a leg."

A town administration official and several teachers – including a school head teacher - prevented schoolboys from attending Friday prayers at the mosque in the central Azerbaijani town of Yevlakh [Yevlax] on 21 January, local Muslims who asked not to be identified for fear of state reprisals told Forum 18 News Service. After one parent insisted on taking his son in, the local police officer came to his flat and broke his way in. A young man present - Elvin Mamedov – complained about the forced entry and was then sentenced to two days' imprisonment. Meanwhile, Gheorghiy Sobor, a Seventh-day Adventist banned from re-entering Azerbaijan to punish him for his religious activity as a foreign citizen, has been allowed to return, but has been banned from further religious activity.

The moves come as a fine has been imposed in her absence on a Jehovah's Witness in the western town of Gakh [Qax] to punish her for religious activity, and imprisoned Jehovah's Witness conscientious objector Farid Mammedov has had his Supreme Court challenge to the sentence rejected (see forthcoming F18News article).

No one at the State Committee for Work with Religious Organisations was prepared to discuss with Forum 18 why schoolchildren were prevented from attending Friday prayers at Yevlakh's Juma Mosque on 21 January or why Gheorghiy Sobor's religious activity is restricted.

Schoolchildren banned from praying?

Ahead of Friday prayers on 21 January, an official of Yevlakh town administration, Hasan Abdullaev, and the Director of School No. 7, Rashad Asadov, and several of the school's teachers stood outside the town's Juma Mosque. They tried to prevent any boys of school age from joining the prayers and wrote down names of those trying to do so, local Muslims complained to Forum 18. (Women do not attend.) One parent however, Arif Yunusov, was there with his 15-year-old son Parvin, and refused to heed their ban on children entering. They went through so that the two could join the prayers.

Local Muslims say the school day finishes somewhere between 12 noon and 1 pm, while prayers start at 1.15 pm. They insisted to Forum 18 that as they are outside school hours, boys should be free to attend.

On 26 January, the local police officer Kurban Kasimov came to Yunusov's home, but as he was not there those present – including the 20-year-old Elvin Mamedov - refused to open the door. They told Kasimov to come back 15 minutes later when he would be back. However, the officer banged on the door, breaking the lock, and two police officers rushed in, shouting at those present about why they had not opened the door.

Those present in the flat then wrote a complaint against the police officers, and Mamedov wrote a statement that the police had broken the lock and forcibly entered the home.

Two-day prison term

Police came to Mamedov's home on the morning of 4 February, summoning him to give testimony. He went with his father Nazar, who waited outside the police station for some three hours. After Friday prayers, the father was told that his son had insulted police officer Kasimov and failed to abide by his instructions. Elvin Mamedov had been taken to Yevlakh District Court and given a two-day prison term under Article 310.1 of the Code of Administrative Offences (refusal to submit to police orders).

Local Muslims told Forum 18 that Mamedov had recorded officer Kasimov on his mobile phone warning that if he failed to retract his earlier testimony that the officer had broken the lock on the door, Kasimov would testify that Mamedov had broken the law and "get him locked up".

Officials refuse to discuss complaints

Both school director Asadov and town administration official Abdullaev refused to discuss the Muslims' complaints. Reached on 15 February, Asadov put the phone down after Forum 18 asked why he had stood outside the mosque to block school-age boys from attending. Reached the following day, Abdullaev handed the phone to an assistant, who told Forum 18: "This can't have taken place – you must be mistaken." When Forum 18 repeated its questions, the man responded: "Maybe it was someone else." He refused to answer any other questions.

Police officer Kasimov refused to discuss with Forum 18 on 16 February why he had broken the lock on the door and why he had threatened Mamedov.

Only one mosque

The Juma Mosque, located in the centre of Yevlakh, is the town's only mosque. Local Muslims told Forum 18 that it was built in 1995 with financial support from the Turkish government's Diyanet (Presidency of Religious Affairs), and handed to "the people" when

complete. They say it is a Sunni mosque, but is also used by Shias, who hold their separate prayers there.

Local Muslims complained to Forum 18 that although the town has a population of some 65,000, no other mosques have been built. They also complained that the town mayor, Elmar Valiev, has repeatedly tried to take away some of the mosque's land to use for new commercial buildings.

"He took some of the land last year, claiming the mosque did not need it, but after protests he backed away from this," one local Muslim – who asked not to be identified – told Forum 18 from Yevlakh on 19 January. "But this is not resolved. The mayor is still pledging to do so." The Muslim added that the mosque is not allowed to broadcast the azan, the call to prayer.

Forum 18 was unable to put these complaints to Abdullaev of the town administration or his assistant. No other official either was prepared to discuss them.

However, local Muslims told Forum 18 that no attempt was made to prevent school-age boys attending Friday prayers since 21 January.

Hijab protests

Protests have taken place on the streets of the capital Baku, Azerbaijan's second city Gyanja [G?nc?] and elsewhere since an announcement on 9 December 2010 by Education Minister Misir Mardanov that girls should abide by a compulsory new school uniform that allows no possibility to wear the hijab head covering worn by some Muslim women.

Radio Free Europe reported on 23 December 2010 that hundreds of girls are believed to have stopped attending school in defiance of the ban. "I'll never give up my hijab," RFE quoted Vusala Quliyeva, an 11th-year student in Baku. "They haven't shown us any official papers restricting our head scarves. I don't understand their verbal instructions, and I can't follow their order."

A 13 January Cabinet of Ministers Decree confirming the Model Statute of Schools affirms that all schools must be secular, bans activity of religious organisations in them and confirms the standard school uniform.

On 28 January, Interior Minister Ramil Usubov told the "Azerbaijan" newspaper that the imposition of a single uniform for schoolchildren was right for a "secular, civilised society". "Those [parents] who wish their daughters to cover their head can make them do so outside school, in every day life and at home," he maintained.

Despite the many restrictions on freedom of religion and belief in Azerbaijan, Usubov declared: "In our country there are no restrictions on a member of any faith from conducting any religious rituals of their faith or the wearing of [religious] clothes. In this sense, our women and girls freely use headscarves, the wearing of which is not subject to any ban."

Adventist returns

Meanwhile, Seventh-day Adventist Gheorghiy Sobor has returned to his home and family in Baku, eight weeks after being denied re-entry to Azerbaijan, as he told Forum 18 from Baku on 15 February. Sobor, a Moldovan citizen who is married to an Azerbaijani citizen, with whom he has three young children, has lived in Azerbaijan since 1995. However, he was suddenly barred from re-entry on 19 December 2010 for conducting religious

activity. Under Azerbaijani law, and in defiance of the country's international human rights commitments, religious activity by foreign citizens is illegal.

An 11 January letter to Baku's Adventist congregation from Ali Merdanov, head of the Department for Countering Illegal Migration of the Interior Ministry's Passport, Registration and Migration Department - seen by Forum 18 - confirms that Sobor was denied entry to Azerbaijan following a State Committee letter identifying him as a foreigner who has conducted "illegal religious activity".

Sobor - who had been denied re-entry on the border from Georgia - was able to cross the same border by car on 11 February and drive back to Baku. "My children cried with joy on my return," he told Forum 18. "Our children had lost hope of my return." He said he had written letters of thanks to various state officials.

Sobor's wife Aida told Forum 18 on 15 February that she received a telephone call from the Interior Ministry's Migration Service on 9 February telling her that her husband could return to the country. She believes the official change of heart came after she had a meeting with aides to Mehriban Alieva, a member of parliament and wife of President Ilham Aliev, as well as after publication of the case by Forum 18.

Gheorghiy Sobor is now preparing all the documents he needs to apply for Azerbaijani citizenship, something officials have now told him they will consider.

But with no right to conduct religious activity

However, while Sobor is allowed to resume living in Azerbaijan, State Committee officials Gunduz Ismailov and Yusif Askerov told him in a meeting on 14 February that - as a foreign citizen - he is not allowed to conduct any religious activity. "When I asked them what this meant I could and could not do, they told me verbally that I can attend church services, but can't engage in any preaching," Sobor told Forum 18. He said he asked them to explain this in writing and is awaiting the State Committee's letter.

Aida Sobor was also required to write to the Migration Service to declare that her husband would not take part in religious activity.

"Of course we are not happy about this," Aida Sobor told Forum 18. "It's like living without an arm or a leg, as they say here. I hope my husband will get Azerbaijani citizenship so that he will get full rights, including to religious freedom."

"Massive" increased fines for exercising freedom of religion or belief

Felix Corley

Forum 18 (07.01.2011) / HRWF (08.01.2011) - <http://www.hrwf.net> - Ten days before penalties for exercising the internationally-recognised right to freedom of religion or belief were increased, six Jehovah's Witnesses were punished in Azerbaijan's second city Gyanja [Ganja] under two articles of the Code of Administrative Offences for exercising their human rights. Three were fined, one was warned and two - both Georgian citizens - were deported, Jehovah's Witnesses told Forum 18 News Service. Had the three been fined ten days later, they would have faced far higher penalties. Amendments to increase fines under two Articles of the Code of Administrative Offences that create offences for exercising freedom of religion or belief - Article 299 and Article 300 - were signed into law by President Ilham Aliev on 29 December.

Those who conduct unregistered religious worship, hold religious worship at a venue that does not have state approval, distribute religious literature that has not passed through compulsory government religious censorship and foreigners who speak of their faith to others now face sharply increased fines. All these "offences" directly contravene Azerbaijan's international human rights obligations.

"These Articles punish what can be considered as normal religious activity," Eldar Zeynalov, head of the Baku-based Human Rights Centre of Azerbaijan in the country's capital, told Forum 18 from Baku on 6 January 2011. "Any religious activity however small-scale – such as meeting for worship in a private flat, talking about one's faith on the street, or handing out a book or even a leaflet – is subject to prosecution."

Administrative Code's punishments for freedom of religion or belief

Since 2009, Article 299 punishes "violation of the procedure for creating or running religious organisations":

Article 299.0.1 punishes religious leaders who fail to register their communities with the state.

Article 299.0.2 punishes violating state procedures for holding religious meetings or events.

Article 299.0.3 punishes holding special religious meetings for children.

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.

Since 2009, Article 300 punishes "violation of legislation on freedom of religion":

Article 300.0.1 punishes producing, importing or exporting religious literature without permission from the State Committee for Work with Religious Organisations.

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.

Article 300.0.4 punishes "religious propaganda" by foreigners or people without citizenship.

The wording of these Articles often does not specify exactly what activities are covered by these "offences".

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 for Work with Religious Organisations. Penalties for breaking the repressive censorship regime were further tightened in 2009. Religious books are often confiscated in raids on private homes, as happened to one reader of the works of the Muslim theologian Said Nursi, Suleiman Mamedov, in the village of Bayandur in western Azerbaijan in May 2010.

Newly increased fines

The December 2010 amendments raised fines for all "offences" under Article 299:

- for individuals to 500 Manats (3,700 Norwegian Kroner, 650 Euros, or 600 US Dollars) to 2,000 Manats (15,400 Norwegian Kroner, 2,600 Euros, or 2,500 US Dollars);

- and for officials to 7,000 Manats (53,300 Norwegian Kroner, 6,700 Euros, or 8,700 US Dollars) to 8,000 Manats (60,000 Norwegian Kroner, 7,700 Euros, or 10,000 US Dollars).

These increases are up to 16 times more than the previous penalties.

The latest amendments also raised fines for all "offences" under Article 300:

- for individuals, whether Azeri citizens or foreigners, to 2,000 Manats (15,400 Norwegian Kroner, 2,600 Euros, or 2,500 US Dollars) to 2,500 Manats (18,600 Norwegian Kroner, 2,400 Euros, or 3,100 US Dollars);
- for officials to 8,000 Manats (60,000 Norwegian Kroner, 7,700 Euros, or 10,000 US Dollars) to 9,000 Manats (67,200 Norwegian Kroner, 8,700 Euros, or 11,200 US Dollars);
- and for organisations to 20,000 Manats (154,000 Norwegian Kroner, 26,000 Euros, or 25,000 US Dollars) to 25,000 Manats (186,000 Norwegian Kroner, 24,000 Euros, or 31,000 US Dollars).

These increases are up to 20 times more than the previous penalties.

Those found guilty under Article 300 will continue to have their religious literature confiscated. Foreigners involved in "religious propaganda" will continue to face deportation.

"Not very pleasant news"

Some religious leaders and human rights defenders expressed concern about these increases in penalties even before the Milli Mejlis had approved them.

Since their adoption, concerns continue to be expressed. One religious believer, many of whose colleagues have been punished for their religious activity, described the increased fines to Forum 18 in late December as "not very pleasant news".

Fines are "massive"

As many – possibly the majority – of Azerbaijan's religious communities have not been able to gain the compulsory state registration with the State Committee for Work with Religious Organisations, use of these Articles could increase. Unregistered communities facing such possible penalties include all Muslim communities not subordinated to the state-backed Caucasian Muslim Board, as well as all Catholic, Baptist, Seventh-day Adventist, Jehovah's Witness and many Protestant communities.

Zeynalov of the Human Rights Centre of Azerbaijan stated that the newly increased fines are "massive". Those fined, especially rural residents without access to higher-paid work in Baku, will struggle to pay such fines. "If for example, five members of one rural family were each fined 2,000 Manats, that would make a total of 10,000 Manats [77,000 Norwegian Kroner, 13,000 Euros or 12,500 US Dollars]. This would represent the entire value of the family's assets, including their home."

Amendments in 2009 to Article 299 and Article 300 of the Code of Administrative Offences widened the number of religious activities that became punishable and increased the penalties that already existed. The amendments came amid wide-ranging changes to laws – including the Religion Law and the Criminal Code – which imposed new state controls on religious activity.

Parliamentary and Presidential approval

The draft Law to further increase the penalties under Article 299 and Article 300 were introduced into Parliament, the Milli Mejlis, without prior public announcement. The proposed amendments were approved on 8 December 2010 at a joint meeting of the Milli Mejlis Legal Policy and State Building Committee and the Human Rights Committee.

Ali Huseynov, Chair of the Legal Policy and State Building Committee, told Forum 18 on 10 December 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).

The full Milli Mejlis approved the amendments on 21 December 2010, parliament's website noted. President Aliiev signed the amendments into law on 29 December, and the text was finally made public on government websites – including the Presidential website - the same day.

Why the increased fines?

Zeynalov of the Human Rights Centre attributes the increase in fines to "the general trend to strengthen restrictions on the activity of unregistered religious organisations". "Bigger fines increase the incentive for the authorities locally to persecute unregistered religious groups," he told Forum 18.

He adds that the government appears to be motivated by a fear of Islamic radicalism. "This danger is in some ways real, but I believe it should be tackled in a different way. Using administrative punishments has not worked in Central Asia and is not going to work here."

Finding a defence lawyer willing to represent individuals accused under these Articles will be difficult, especially in rural areas, Zeynalov warns. "There is often just one lawyer for an entire region with a population of more than 100,000 people."

Gyanja raid

On the morning of 18 December 2010, several police officers and the local representative of the State Committee for Work with Religious Organisations, Firdovsi Kerimov, forced their way into the private home in Nizami District of the north-western city of Gyanja where Jehovah's Witnesses were meeting for worship, the Interior Ministry noted on its website later that day.

Jehovah's Witnesses told Forum 18 that all the approximately 50 people present were taken to the District Police Station. Although the majority were released after several hours, six remained in detention. They included the owner of the home where the meeting was held, Yegana Gahramanova, and Saladdin Mammadov, Rashad Niftaliev, and Teymur Valiev. Vepkhvia and Ekaterine Sheveli, a married couple from neighbouring Georgia who were visiting friends in Gyanja, were also detained.

Agahuseyn Mammadov, head of Nizami District Police whose officers raided the 18 December 2010 worship service, insisted to Forum 18 from Gyanja on 6 January 2011 that "it was not a raid". However, he refused to say how he would describe it, or why police broke up a worship service and detained all those present. "I won't explain anything to you," he told Forum 18 and put the phone down.

Reached on 7 January, religious affairs official Kerimov put the phone down as soon as Forum 18 introduced itself.

The raid on the Jehovah's Witness service came exactly one week after more than 15 police officers, as well as journalists with a video camera and a state religious affairs official, raided the Saturday morning worship service of the Seventh-day Adventist congregation in Sumgait. Two church members were subsequently fined under the same two Articles of the Code of Administrative Offences.

Gyanja fines

All six detainees were taken to Nizami District Court, where late that evening Judge Vahid Sadigov convicted the four local Jehovah's Witnesses under Article 299.0.2 ('violating state procedures for holding religious meetings'), 299.0.3 ('holding special

religious meetings for children') and 299.0.4 ('religious activity at an address other than a religious organisation's registered address') of the Code of Administrative Offences. Two of the four were fined 150 Manats (1,121 Norwegian Kroner, 145 Euros or 188 US Dollars), one was fined 100 Manats (747 Norwegian Kroner, 97 Euros or 125 US Dollars), and one was given an official warning.

While many Jehovah's Witnesses have been fined in Azerbaijan for sharing their faith with others and offering their literature on the streets, and several Jehovah's Witnesses who are foreign citizens have also been deported for this, Jehovah's Witnesses told Forum 18 that the fines on the three in Gyanja represent the first time Jehovah's Witnesses who are citizens of Azerbaijan have been fined simply for attending a meeting for worship.

Jehovah's Witnesses insisted to Forum 18 that the convictions "believe Azerbaijan's claims of religious tolerance" and contradict Article 21 of the Religion Law, which guarantees the right to practice one's religious beliefs not only in "places of worship" but also "in apartments and houses of citizens".

They also point to a January 2007 European Court of Human Rights decision in the case of Kuznetsov and others v. Russia (Application no. 184/02) that held that the "collective study and discussion of religious texts by the members of the religious group of Jehovah's Witnesses [is] a recognised form of manifestation of their religion in worship and teaching," a right guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (see <http://cmiskp.echr.coe.int/tkp197/viewhbkkm.asp?action=open&table=F69A27FD8FB86142BF01C1166DEA398649&key=21399&sessionId=64398441&skin=hudoc-en&attachment=true>).

Gyanja deportations

In the early hours of Sunday 19 December, soon after the first four Jehovah's Witnesses were convicted, Nizami District Court then convicted the visiting Georgians Vepkhvia and Ekaterine Sheveli of violating Article 300.0.4 of the Code of Administrative Offences, which prohibits foreigners from conducting "religious propaganda". Jehovah's Witnesses complain that this term "is not defined anywhere in Azerbaijani legislation". The Court ordered that the couple be deported from Azerbaijan to Georgia. After having been detained for nearly 48 hours, the two were then deported by car, although no deportation stamps were placed in their passports.

On 28 December, all six Jehovah's Witnesses lodged appeals at Gyanja Appeal Court. No date has yet been set for the appeal hearing, Jehovah's Witnesses told Forum 18.

"Jehovah's Witnesses have been gathering for many years in Gyanja in order to study the Holy Scriptures, exactly as Jehovah's Witnesses do in all free and democratic countries around the world," Niftaliev wrote. "I ask the respected Gyanja Appeal Court please to vindicate my rights to freedom of worship and the freedom to gather with my fellow believers."

Among religious believers deported for practising their faith in Azerbaijan in recent years – which include Muslims, Protestants and Jehovah's Witnesses – were a number of long-term residents who had foreign passports. Baptist Javid Shingarov (who holds a Russian passport) was cut off from his wife, father and children in his native village near Yalama in northern Azerbaijan when he was deported to Russia in September 2009.
