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## **Censorship "to create an environment of freedom of conscience"**

Forum 18 (12.11.2012) - For the second time in seven months a court in the Azerbaijani capital Baku has backed State Committee for Work with Religious Organisations' decisions on both what religious literature can and cannot be imported into the country, and also - for literature it does allow in - what quantities can be imported. Baku Appeal Court rejected the Jehovah's Witness community's appeal against such restrictions on 1 November, Forum 18 News Service learned. Jehovah's Witnesses told Forum 18 they will continue their legal challenge to the State Committee's repeated reduction in the numbers of copies of their publications it will allow them to import.

The suit was lodged by two people from Baku, Gulsira Akchurina and Kamila Mammadaliyeva, along with their national Jehovah's Witness community. This latest Jehovah's Witness suit – initially lodged on 12 October 2011 - is one of several they have lodged in recent years over denials of import permission and reductions in permitted quantities.

A Baku Administrative Economic Court No. 2 decision of 10 April 2012 records the State Committee, which was represented by Sabina Allahverdieva, as questioning the right of a religious community to defend itself through the courts. "The fact that the Community

files claims one after the other in all kinds of directions gives a basis to say that the goal of the Community is not only to worship," the court decision notes.

### ***"Expert" analyses***

State Committee approval for the imports came after two "expert analyses" of the Jehovah's Witness publications carried out by Vugar Aliyev of the State Committee, both seen by Forum 18. Both give short factual summaries of each named work. The first, two-page analysis, dated 8 September 2011, covers seven publications. The second, of one page and dated 18 September 2011, covers two. Both conclude with the same paragraph:

"During the investigation of the literature, thoughts that can have a negative influence on the religious stability in the country were not discovered; permission can be given for its import."

The 9 and 20 September State Committee responses came in letters signed by the State Committee's then Chair, Hidayat Orujev, to Aydin Aliyev, Head of Azerbaijan's State Customs Committee. In the 9 September letter, Orujev told him that "we do not object to the import into Azerbaijan through the Red Bridge Customs House [on the border with Georgia] of the following magazines for use within the [Jehovah's Witness] community", as well as a further three publications by air. He then listed the titles and permitted number of copies of each. The 20 September letter, also seen by Forum 18, is similar.

Then-State Committee Chair Orujev did not explain why he specified that these publications were for use "within the community".

Such letters are required before Customs will allow any religious publications to cross the border. Those who bring in such literature without such letters face confiscation of the literature, with possible prosecution. Religious literature was seized from the Byakov family in late September as they returned from Russia and was sent to the State Committee for such an "expert analysis". The family minibus was also seized.

### ***Severe reductions***

State Committee documents submitted in the court case – seen by Forum 18 – reveal that in none of the applications mentioned in the suit had the State Committee allowed the community to import the quantities they had asked for, even though the State Committee had found nothing harmful in any of these publications. In two cases, requested quantities were reduced by 80 per cent. The documents also reveal that the State Committee took between two and six weeks to respond to Jehovah's Witness applications for permission to import specific texts.

The State Committee operates Azerbaijan's strict prior compulsory censorship of all religious literature produced, distributed, and imported, in defiance of its international human rights obligations.

Court documents seen by Forum 18 reveal that in three separate letters to the State Committee between 11 and 24 August 2011, the Jehovah's Witness community asked for permission to import between 1,500 and 2,000 copies each of nine named publications in Azeri and Russian. However, in its 9 September 2011 response, the State Committee approved the import of each title, but reduced the quantity allowed to between 300 and 1,000 copies each.

On 20 September 2011, in response to two other Jehovah's Witness applications of 12 and 18 August, the request to import between 1,500 and 2,000 copies of a further four

named publications in Azeri and Russian was approved, but with a reduction in the quantities to 1,000 copies per publication.

### ***"Considered to be sufficient and reduced"***

No reasons were given in the letters for the reductions. However, in a 27 October 2011 response to the initial suit in Baku's Administrative Economic Court No. 2, Allahverdieva of the State Committee stated that the quantities that the Jehovah's Witnesses wanted to import were "considered to be sufficient and reduced". This was the first time that the State Committee had given any reasons for the reductions.

"This was done because, despite the fact that permission is given for use of the religious literature within the Community, Plaintiff Jehovah's Witnesses puts forth effort to conduct religious propaganda and distribute religious literature in a series of regions in the country," Allahverdieva claimed. "This also shows that the amount of religious literature for which the State Committee gives permission to be imported is not only enough for use within the Community but also the religious Community continues its activity by spreading this literature outside the legal address."

Allahverdieva also pointed out that distribution of literature outside a registered religious community's legal address violates Article 12 of the Religion Law.

### ***"That's why they were stopped"***

Orhan Ali, spokesperson for the State Committee in Baku, insisted to Forum 18 that the Jehovah's Witness suit was related to literature which the State Committee had found "harmful". "We said something harmful was in their books and that's why they were stopped," he claimed from Baku on 8 November. "But they have their [other] publications."

Forum 18 pointed out that the Jehovah's Witness community had brought this suit not over denial of import permission but over restrictions on quantities of books the State Committee "expert analysis" had declared not to contain "harmful" material. However, Ali refused to discuss this or any other question and put the phone down.

Earlier in the conversation Ali had defended the repeated seizures of religious literature from private homes. This has happened to Muslim readers of theologian Said Nursi's works, to Protestants, and to Jehovah's Witnesses. The latest such known seizures happened at two Baptist-owned homes raided by police in Aliabad in north-western Zakatala Region on 7 November.

### ***"Censorship court challenge fails"***

On 10 April, six months after it was lodged in court on 12 October 2011, Judge Intizar Bayramova of Baku's Administrative Economic Court No. 2 rejected the Jehovah's Witness suit against the State Committee seeking compensation for the repeated reduction in quantities of their imported literature, according to the verdict seen by Forum 18.

Jehovah's Witnesses then appealed to Baku Appeal Court. However, after hearings on 30 October and 1 November, Judge Seriyev Seyidova rejected the Jehovah's Witness appeal against the lower court decision, the court website notes. Jehovah's Witnesses say they will take their case to Azerbaijan's Supreme Court once they receive the written decision.

### ***"To create an environment of freedom of conscience.."***

"Many of the persons with whom she [Mammadaliyeva] discusses the Bible would like to

have their own personal copies of every new magazine," the suit lodged in October 2011 notes. However, the 10 April 2012 Baku Administrative Economic Court No. 2 decision records the State Committee, which was represented by Allahverdieva, as claiming that the Jehovah's Witness community cannot speak on behalf of anyone else who might want their literature, but cannot get it because of the restrictions.

Administrative Economic Court No. 2 also described censorship as necessary "to create an environment of freedom of conscience". Its decision claims: "Because it is not only this Community that imports religious literature into the country, it is impossible to provide them with additional privileges, or it would be contradicting the law. At the same time, in order to create an environment of freedom of conscience, putting limitations upon the import of a sufficient amount of literature is normal for all communities. The Community views this as a restriction."

Azerbaijan is the only Council of Europe member state to impose such compulsory censorship – against its human rights obligations – in both law and practice.

In its rejection of the Jehovah's Witness suit, Administrative Economic Court No. 2 held that the reduction in permitted quantities of religious literature was part of the "discretionary power" of the State Committee in implementing "oversight" of religious literature. It argued that as the extra literature for which permission had been denied was to be used to give to others, the rights of the plaintiffs had not been violated and therefore no claim for damages was applicable.

### ***Censorship violates human rights commitments***

In their suit against the enforced reduction in quantities of the literature, lodged in court on 12 October 2011, Jehovah's Witnesses describe the practice as "de facto censorship". They noted that they comply with the demand to seek permission to import religious literature despite the fact that this requirement is "unconstitutional and in violation of the European Convention [of Human Rights and Fundamental Freedoms], since it exposes to prior state restraint legitimate religious and educational material that does not violate the interests of public safety; public order, health, and morals; or the rights and freedoms of others".

Jehovah's Witnesses described to Forum 18 as "interesting" the Azerbaijani government's claim to the Council of Europe Venice Commission that restrictions on religious literature are rooted in Article 18, Part 2 of the country's Constitution, which prohibits propagating religious movements that humiliate others.

"One wonders, therefore, what this has to do with restrictions on the quantity of publications approved for import which the State Committee has found harmless," one Jehovah's Witness told Forum 18 on 8 November. "In this case, the Court received copies of the State Committee's own expert studies recommending import because the literature is harmless. The expert conclusions contained no limitations. We argued all of this before the Appeal Court, to no avail."

The Azerbaijani government made its claim in its response to a highly critical review of the country's Religion Law in a joint Opinion by the Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) adopted in October. The Opinion declared: "The requirement of prior consent for the production and dissemination of religious literature is arguably unnecessary in a democratic society and may violate both freedom of expression and freedom of religion norms".

Censorship also directly violates Azerbaijan's other international human rights commitments, such as Paragraphs 16.9 and 16.10 of the OSCE's Vienna Concluding Document of 1989. These Paragraphs read:

"(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief".

### ***Years of censorship***

Jehovah's Witness noted that religious literature imports were generally permitted – with several exceptions – between 2003 and early 2007. However, they complained in their suit that "systematic and regular" State Committee denial of import permission or reduction in permitted quantities "began on 28 February 2007 and continues until now". "Where importation has been permitted, Defendant State Committee has also systematically and regularly reduced the quantities permitted by anywhere from 30 to 80 percent of what was requested by Plaintiff Religious Community."

Jehovah's Witnesses also complain that the State Committee has restricted use of the literature permitted importation to "within the community". "These practices have greatly restricted the rights of the individual Plaintiffs and Plaintiff Religious Community's members to carry out their religious worship and the private and public expression of their faith."

### ***State Committee resources***

State Committee spokesperson Ali denied to Forum 18 that its employees were slow in processing religious communities' re-registration applications. Many hundreds have not been processed, despite being submitted before a 31 December 2009 deadline.

Ali had ended the call before Forum 18 could ask why it takes so long to process "expert analyses" of religious literature submitted by religious communities or seized by police during raids.

On 13 August, President Ilham Aliiev issued a Decree allocating a further 1 million Manats (7.3 million Norwegian Kroner, 1 million Euros, or 1.3 million US Dollars) to "strengthen the technical/material base" of the State Committee. The Decree, published on the presidential website, did not indicate how the money was to be spent.

Forum 18 asked the State Committee in writing on 13 August how it intended to spend the extra funds, but had received no response by 12 November.

Forum 18 notes that the State Committee has recruited many more staff in recent years, especially after harsh amendments to the Religion Law in 2009 and 2011.

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## **Is confiscating religious literature censorship?**

Forum 18 (25.10.2012) - One month on from the September seizure of religious literature and a family minibus by Azerbaijani Customs on the border with Russia, neither the literature nor the minibus have been returned, Forum 18 News Service has learnt. In a separate case, a family car confiscated along with religious literature in May was returned in mid-October, but the literature has not been returned. The local Prosecutor told Forum 18 that the criminal case against three local Baptists is still being investigated, despite earlier comments to the three that they will be amnestied. Claiming that censorship has been abolished in Azerbaijan, the Prosecutor denied that confiscating religious literature represents censorship.

The latest seizure of the literature and the vehicle come as Azerbaijan faced wide-ranging criticism in a legal Opinion by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) over the failure of the controversial Religion Law to meet Azerbaijan's international human rights commitments. A senior Presidential Administration official and a senior official of the ruling New Azerbaijan Party have both rejected the Venice Commission/OSCE's recommendations for legal changes to bring the Law into compliance.

### ***Seized***

Late on 21 September, members of the Byakov family, members of a Council of Baptists congregation in Sumgait, and another congregation member were stopped at the border crossing at Yalama in Khachmaz [Xacmaz] District on Azerbaijan's northern border as they returned in the family minibus from Russia, family members told Forum 18 on 22 September. Customs officers ordered the seven passengers to carry their belongings through the passenger customs inspection. Pyotr Byakov – who was driving – was ordered to take the minibus to a special point for it to be thoroughly examined.

"Two cars with flashing lights then arrived bringing [National Security Ministry, NSM] secret police," family members told Forum 18, "and about 15 officers began searching the vehicle, taking off the interior panels to search behind them." Officers seized 700 Baptist brochures, 50 books and 70 booklets from hiding places in the vehicle. They then detained Pyotr Byakov, took his passport and seized the minibus.

"The search began at about 9 pm, and the search and filling in of forms lasted until after three o'clock in the morning," family members told Forum 18. "We were then freed, although Pyotr was held until the daytime."

"Officials said the literature was not allowed and asked why we had brought it into the country," family members told Forum 18. "They said the minibus would be held until the case was resolved." Officers asked Pyotr Byakov why the literature had been hidden. "He responded that the last time he had brought religious literature from Russia carrying it openly, officers had confiscated it."

The confiscated literature was sent for an "expert analysis" to see if it was "against the law", officers told family members. In mid-October, family members were told it had come back from the first analysis, but had then been one copy of each publication had been sent for a "religious expert analysis" to the State Committee for Work with Religious Organisations in Baku, which operates Azerbaijan's religious censorship. Officials told family members the new analysis would take "at least a month".

### ***No response***

No Customs Service officials in Khachmaz District were prepared to explain why the religious literature and minibus were seized and why they have not yet been returned. Forum 18 reached the telephone of District Chief Said Akhundov on 23 October, but his

assistant said he was away on business in Baku and he was unable to pass on his mobile telephone number. The assistant said no one else could answer Forum 18's questions.

### ***Border religious censorship***

The harsh religious censorship which exists within Azerbaijan also extends to preventing uncensored importation of religious literature and other objects.

The customs advice for individuals crossing the border back into Azerbaijan – available on the State Customs Committee website - notes in Point 4: "The following goods can be brought by physical persons through the customs border of the Azerbaijani Republic with the permission of the competent agency: weapons designed for official or private use, as well as ammunition for them can be carried only with the special permission of the Interior Ministry; literature, objects, as well as other media of religious significance can be carried only with the permission of the State Committee for Work with Religious Organisations." Point 4 continues with other items.

### ***Car released, but case continues***

Meanwhile, a car confiscated from a Baptist in Kusar [Qusar] District of northern Azerbaijan was finally returned in mid-October after five months. Although the Zhiguli car was returned to Telman Yarmetov, religious literature confiscated from him and two other local Baptists at the same time has not been returned. Another of the three Baptists, Ilgar Mamedov, told Forum 18 on 23 October that the books remain with the Prosecutor's Office.

The three Baptists – Mamedov and Yarmetov, as well as Akif Babaev – were detained by police on 17 May for sharing their beliefs in the village of Mujuk. They were taken to the police station in Kusar. The police chief ordered that all their literature (120 items of 13 different publications) should be confiscated, as well as Yarmetov's car.

The three were threatened with prosecution under Criminal Code Article 167-2, Part 1 ("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").

Mamedov added that Kusar Prosecutor's Office had told them in late September that the case against the three would be closed under amnesty.

Asked about the case against the three on 23 October, Kusar District Prosecutor Zahid Valiyev laughed, describing it as a "long story". He said the investigation against them was continuing, but refused to specify how long this would last, which Article of the Criminal or Administrative Code they are being investigated under, and whether Mamedov, Babaev and Yarmetov will be brought to trial.

Valiyev refused to explain why Yarmetov's car had been held for five months and denied that religious literature had been confiscated. "It was merely temporary removal, as they were distributing the literature illegally," he told Forum 18.

### ***Censorship "abolished"?***

Asked about whether the seizure of the religious literature from the three Baptists represented state censorship, Prosecutor Valiyev responded: "The president abolished censorship. There is freedom of speech, freedom of expression and freedom of conscience here." Asked how he could therefore explain the confiscation of their religious literature and the criminal case against them for distributing such literature, Valiyev replied: "You are mixing up two different things." He refused to explain and put the phone down.

Former President Heidar Aliev indeed claimed in 1998 that the country had abolished censorship, a claim which Azeri diplomats have also been heard by Forum 18 to make more recently. Censorship of literature violates Azerbaijan's Constitution, yet the Religion Law requires permission from the State Committee before a religious community can publish, import or distribute any religious literature. Also, Article 22.2 allows religious organisations to sell religious literature only at venues approved by the authorities.

### ***No travel***

One consequence of the continuing criminal investigation is that Mamedov is unable to travel outside Azerbaijan, he complained to Forum 18. "They haven't seized my passport, but as long as the case continues against me I can't leave the country."

### ***No family support***

Mamedov also complained that the local office in Gusar of the Centre for Social Protection – part of the Labour and Social Protection Ministry – cut off financial support both for his family and that of Babaev in September 2011. "Both our family and Akif [Babaev]'s family have seven children each, all minors, with both expecting an eighth. I have no work and our family lives very poorly," he told Forum 18. "But they gave no reason why they cut off the money."

Mamedov speculates that it could have been cut off to punish him and Babaev for their religious activity. He pointed out that the two were among four local Baptists given a five-day prison term in a late-night court hearing on 31 October 2010, the day police raided a Baptist Harvest Festival service held in his home.

"Maybe it was punishment for this, maybe it was corruption, maybe it is because we do not qualify – though I find that hard to believe," Mamedov told Forum 18. He said after getting no explanation from the local Centre for Social Protection he had written to the Heidar Aliev Foundation in Baku, a charitable foundation headed by President Ilham Aliev's wife Mehriban. However, it passed on the letter to the Labour and Social Protection Ministry.

Amina Seyidzade, the Deputy Head of the Ministry's State Social Security Service, responded to Mamedov on 23 August, suggesting that he resubmit his documents to the local Centre.

"Whenever I asked the Centre in Gusar, they just said I should get a job," Mamedov told Forum 18. "But there aren't any jobs here."

### ***No answer***

Forum 18 tried to reach Seyidzade at the Ministry in Baku, but her telephone went unanswered each time it called on 24 October.

The woman who answered the phone the same day at the Centre for Social Protection in Gusar told Forum 18 that the Centre's head, Zakiyya Nazirova, was out of the office until 29 October. The official – who would not give her name – appeared to be familiar with Mamedov's and Babaev's cases. She promised to find out why assistance to the two families had been cut off. However, when Forum 18 called back as arranged, she declined to give any information and referred Forum 18 to Nazirova.

The Regulations governing eligibility for Social Assistance, approved by the Cabinet of Ministers in February 2006 and last updated in July 2008, allows such social support to be cut off, but only in specific circumstances.

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## **Government blames "errors" for negative Venice Commission/OSCE opinion**

Forum 18 News Service (23.10.2012) - Azerbaijan faced wide-ranging criticism in a legal Opinion by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe (OSCE) over the failure of the controversial Religion Law to meet Azerbaijan's international human rights commitments. A senior Presidential Administration official and a senior official of the ruling New Azerbaijan Party have both rejected the Venice Commission/OSCE's recommendations for legal changes to bring the Law into compliance. However, the Venice Commission told Forum 18 News Service from Strasbourg on 22 October that it stands by its Opinion.

### ***Muslim complaint***

Following the Venice Commission/OSCE Opinion, Baku-based Muslim Zeka Miragayev wrote to the Venice Commission endorsing its criticism. He complained about the Azerbaijani government's interference in the life of religious communities, adding that it "prohibits official and non-official religious activities".

Miragayev's 22 October letter, of which he sent a copy to Forum 18, cites the 31 May police and National Security Ministry (NSM) secret police raid on his Baku home in his absence and without a warrant. Officers seized copies of the Koran and books by Muslim authors, including the late Turkish theologian Said Nursi, as well as money and a computer. Several of his friends were interrogated.

"State bodies have done nothing for the restoration of my rights. Although I have repeatedly addressed state bodies over these events, I haven't got an answer from them," Miragayev told the Venice Commission. "The event deliberately isn't being investigated and they still pressure me. I have lived in stress, nerves, and fear of death over these more than five months. Human rights aren't protected in Azerbaijan."

Miragayev asks for help from the Venice Commission. "I keep one of the rooms of the house where I live in the destroyed state. State bodies don't come to inspect yet. I ask you to come and inspect."

One of Miragayev's friends who was present during the raid told Forum 18 on 22 October that none of the seized books, money or computer have been returned, despite his attempts. The police told him the NSM have the books, while the NSM told him the police have them.

### ***Legal challenge drifts***

In early June, Miragayev lodged a legal challenge against the 18th Department of Baku's Narimanov District police and NSM secret police over the unauthorised raid to Baku's Administrative Economic Court No. 1. However, the Court refused to hear the suit, telling him he had to apply instead to Narimanov District Court. The District Court likewise rejected the suit, telling Miragayev he had to appeal to Baku's Administrative Economic Court No. 2.

Miragayev lodged his suit there in August, his friends told Forum 18. However, despite a requirement that the Court seeks information from the state bodies which are the subject of the suit within 15 days, the Court has given him no information about the results of such information requests. "They're specially dragging out this case," Miragayev's friends told Forum 18. "It's not clear if this is the police, the secret police or the Court."

### ***Venice Commission/OSCE criticism***

The joint Venice Commission/OSCE Opinion – formally adopted on 12 October - pointed out a wide range of provisions in Azerbaijan's Religion Law which fail to comply with Azerbaijan's international human rights commitments and recommended changes. The Opinion was made public on the Venice Commission website on 16 October.

"The Law on Freedom of religious belief as amended in 2011 sets a legal framework which is in several aspects contrary to international standards and would benefit from additional revisions in order to meet these standards," the Opinion declares.

### ***Among numerous recommendations, the Opinion calls the Azerbaijani authorities to:***

- "explicitly allow proper proselytism" and remove from Article 1, Part 4 the prohibition on religious propagation by foreigners and persons without citizenship;
- "consider changing or deleting the prescriptive provisions of Articles 7, 8 and 9 imposing a particular organizational structure on religious communities, and to provide religious communities with greater autonomy and self-determination on matters regarding issues of faith, belief or their internal organization as a group, as well as the choice of place of worship";
- "remove from Article 21 the provision stating that "Islamic religious rites and rituals may be carried out only by citizens of the Republic of Azerbaijan [who] studied in the Republic of Azerbaijan";
- "reform the system of state registration of religious communities by: allowing individuals and religious communities to practice religion without state registration, if they so choose; clarifying which information and documents require state registration; ensuring that state authorities in charge of registration do not engage in a substantive review of the statute or character of a religious group";
- set a deadline for the state authorities to decide on registration applications;
- "reconsider the rule stating that religious organizations may only function at legal addresses indicated in the information submitted for state registration";
- "remove undue restrictions on the rights of individuals and religious groups to produce, import, export, and freely disseminate, and sell religious literature, items and other informative materials";
- "cancel the requirement of the consent of a "relevant executive authority" for sending citizens abroad for religious education and for the foreign exchange of clergymen;
- "expressly allow in Article 4 for alternative civilian service for persons who refuse to perform military service owing to their religious or nonreligious conscientious beliefs".

### ***Government comments on Draft Opinion***

The Venice Commission submitted its Draft Opinion to the Azerbaijani government for its comments before it was formally adopted.

The eight-page Comments – which the Venice Commission told Forum 18 it received on 9 October – either denied that restrictions in the Law existed or rejected the Venice Commission/OSCE's findings that they violate Azerbaijan's human rights commitments. (The Comments were published on the Venice Commission website on 16 October.)

"The law does not prohibit citizens to unite in religious communities without state registration," the government Comments declared wrongly. "The existing Azerbaijani legislation does not envisage any liability for such an action."

Forum 18 notes that Religion Law Article 12 states: "Religious organisations may function only after state registration by a relevant state body and the state registry of religious organisations". Article 299 of the Code of Administrative Offences punishes "violation of the procedure for creating or running religious organisations", including by "religious leaders who fail to register their communities with the state".

"Proselytism is allowed in Azerbaijan," the government Comments claimed, despite the Religion Law's ban on unregistered religious activity, on religious meetings at unapproved addresses and on unapproved distribution of religious literature. The government Comments claim that the ban on foreigners propagating their faith "does not mean that foreigners and persons without citizenship may not exercise freedom of expression guaranteed by Article 47 of the Constitution of Azerbaijan".

Forum 18 notes that Religion Law Article 8 bans foreigners from creating mosques, while Article 21 bans them from leading mosques. Foreigners who conduct "religious propaganda" or distribute religious literature face prosecution under Administrative Code Article 300, with deportation one of the punishments.

Senior Presidential Administration official Shahin Aliev was present at the Venice Commission Plenary Session in Venice on 12 October when the Venice Commission formally adopted the Joint Opinion.

### ***Government rejects Opinion***

The Venice Commission spokesperson told Forum 18 that it had received no communication from the Presidential Administration or any other Azerbaijani government agency since the Opinion was adopted on 12 October.

On 16 October, the day the Opinion was made public, New Azerbaijan Party Deputy Executive Secretary Siyavush Novruzov rejected its recommendations in remarks to Parliament. "It's as if they [Venice Commission] wish to turn Azerbaijan into an experimental laboratory and carry out their own plans," Trend news agency quoted him as declaring.

Novruzov particularly objected to the recommendation to allow foreign citizens living in Azerbaijan to be allowed to conduct religious activity. "Such a thing exists in no country in the world," Trend quoted him as saying. "Can a mullah from Azerbaijan who has arrived in France carry out religious activity? He'd be arrested straight away. If the Venice Commission believes its recommendations deserve attention, let them be implemented first in other countries."

However, the Opinion stresses that international law "protects non-coercive religious expression (including proselytism or missionary activity) by 'everyone', regardless of a person's nationality".

### ***"Errors"?***

Novruzov's rejection of the recommendations was followed a day later by what was billed as the "official reaction" from Ali Hasanov, head of the Presidential Administration's Social and Political Department. Noting the Venice Commission's criticism, he said "of course we had to react at once", Trend news agency quoted him as declaring on 17 October.

The Venice Commission spokesperson pointed out that it had received the Azerbaijani government's Comments on the Draft Joint Opinion "on 9 October 2012, i.e. prior to the plenary session".

Hasanov claimed that the Venice Commission had used an "unofficially translated draft of the Law". He blamed "translation errors" for the Venice Commission's conclusion that the Law does not meet European standards. However, the Venice Commission spokesperson told Forum 18 that the English translation of the Religion Law on which the Opinion was based had been supplied by the Permanent Representation of Azerbaijan to the Council of Europe in Strasbourg on 29 August.

Hasanov said that as soon as the Opinion was released, the Presidential Administration had immediately sent an "official translation" of the Religion Law to the Venice Commission. However, the Venice Commission spokesperson told Forum 18 that it has received no new translation from the Azerbaijani government since then.

"The Venice Commission has already accepted this explanation from the Azerbaijani authorities," Trend quoted Hasanov as saying. "I believe that the Venice Commission now considers that the Law on Freedom of Religious Belief adopted in Azerbaijan completely reflects European standards."

However, the Venice Commission told Forum 18 it fully stands by its Opinion. "The Venice Commission adopted its opinion fully aware of the Azerbaijani government's comments and therefore maintains its conclusions," the Venice Commission spokesperson told Forum 18.

### ***No response***

Forum 18 tried to reach Ali Hasanov at the Presidential Administration in Baku on 22 October. However, officials said he was in a meeting and referred Forum 18 to his senior advisor Jeyran Amiraslanova. The woman who answered her phone asked Forum 18 to send questions in writing.

Forum 18 wrote on 22 October to ask: when the Presidential Administration sent a new "official" English translation of the Religion Law to the Venice Commission?; whether Azerbaijan intends to amend its Religion Law to bring it into compliance with the country's international human rights commitments; if so, when it intends to amend the Religion Law; and if not, why not?

No response had arrived by the end of the working day in Baku on 23 October.

### ***Last-ditch appeal***

Meanwhile, on 15 October Baku's Greater Grace Church lodged its last-ditch appeal at Azerbaijan's Supreme Court in Baku against the enforced liquidation of its legal status, church members told Forum 18. No date has yet been set for its appeal to be heard.

The Church has had state registration with the Justice Ministry since 1993. The State Committee, which is now in charge of registering religious communities, lodged a liquidation suit in December 2011, arguing that the Church should be liquidated for

failing to gain re-registration with it in 2009. On 25 April 2012, Administrative Economic Court No. 1 upheld the State Committee's suit. Baku Appeal Court rejected the Church's appeal on 31 July.

Court liquidation would forcibly close the Church. Azerbaijan's ban on unregistered religious activity violates the country's international human rights commitments, the Venice Commission/OSCE Opinion declares in its Opinion. "Registering an association should be optional and not a legal requirement."

It adds that "making registration mandatory goes against the fundamental principle of freedom of religion and the applicable international human rights standards, also as regards freedom of association, protected under Article 11 of the ECHR [European Convention on Human Rights and Fundamental Freedoms] and Article 22 of the ICCPR [International Covenant on Civil and Political Rights]".

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## **One conscientious objector jailed, others called up**

Forum 18 (16.10.2012) - A 19-year-old Jehovah's Witness conscientious objector to compulsory military service yesterday (15 October) lodged an appeal against his imprisonment, Forum 18 News Service has learned. Fakhraddin Mirzayev was given a one-year prison sentence on 25 September by a court in Azerbaijan's second city Gyanja [Gäncä]. "This is the first criminal prosecution of a Jehovah's Witness conscientious objector in Azerbaijan since Farid Mammedov was imprisoned in September 2010," Jehovah's Witnesses told Forum 18. "Others have been investigated, but their cases were never referred to court."

Azerbaijan committed itself to introduce an Alternative Service law by January 2003 when it entered the Council of Europe in 2001, but failed to do so.

Jehovah's Witnesses told Forum 18 there was a "wave of call-ups" of their young men in the latest conscription round, numbering under twenty. Asked if the young men fear being prosecuted and possibly imprisoned as a result of their refusal to conduct compulsory military service, one Jehovah's Witness responded: "I'm not sure they're afraid – it's just a reality. They are aware of this when they become Jehovah's Witnesses. They are not afraid just because they are following their consciences."

In one recent case, Jehovah's Witness Amid Zohrabov, from Lokbatan near the capital Baku, was forcibly conscripted into the army on 23 July and transported to a military unit in Gazakh Region in north-west Azerbaijan. However, after his parents wrote a complaint to the unit's commanding officer, he was freed on 7 August and allowed to return home.

### ***One-year prison sentence***

The Conscription Office summoned Mirzayev to report for military service on 6 March. He reported as requested. On 24 April he wrote to the Conscription Office explaining his conscientious objection to military service "on the basis of his Scriptural beliefs", Jehovah's Witnesses told Forum 18. Mirzayev hand-delivered his written statement and verbally explained to officials why he could not serve in the military.

Mirzayev requested alternative service on the basis of Article 76, Part 2 of the Constitution, which 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".

On 25 June, Gyanja City Prosecutor's Office initiated a criminal case against Mirzayev under Article 321.1 of the Criminal Code. This states: "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]".

Mirzayev's trial begun under Judge Nuru Guliyev at Gyanja's Kapaz District Court on 27 August, with further hearings on 10 and 25 September. The one-year prison sentence was handed down on 25 September, according to the verdict seen by Forum 18. Mirzayev was represented by the state-appointed lawyer Hunbat Salahov. The verdict specified that Mirzayev needed to pay him 40 Manats for twenty hours' work. The verdict also required Mirzayev to pay 80 Manats for an "expert analysis" of his signature on a document presented to the court, as the analysis had to be sent to Baku.

### ***No interviews***

An aide to Judge Guliyev, who did not give his name, said he could not transfer Forum 18's call to the Judge. "The Judge won't give an interview about the case – we're not allowed to give information on individual cases by telephone," he told Forum 18 from the Court on 15 October. "In any case, we have already sent out the verdict in writing." The aide declined to respond to Mirzayev's claim in court that he should be allowed to conduct an alternative service as set out in Azerbaijan's Constitution.

### ***Investigation Prison No. 2***

Mirzayev had been restricted in his movements as the case proceeded, but was arrested in the court room as the verdict was handed down and transferred to Gyanja's Investigation Prison No. 2. The verdict specifies that his sentence runs from 25 September. It remains unknown when he will be transferred to a prison to serve his sentence. Jehovah's Witnesses told Forum 18 that Mirzayev's mother has been able to visit him in prison.

The duty officer at Investigation Prison No. 2 told Forum 18 on 16 October he did not know if Mirzayev is being held there. He referred Forum 18 to the prison director Shakir Bayramov. However, the man who answered his telephone the same day kept repeating "I don't know" to all Forum 18's questions and put the phone down.

### ***Appeal***

Mirzayev's lawyer Salahov lodged an appeal to Gyanja Appeal Court on 15 October, Jehovah's Witnesses told Forum 18. The appeal, seen by Forum 18, draws heavily on Azerbaijan's international human rights commitments, including under the International Covenant on Civil and Political Rights and as a member of the Council of Europe, to which the European Court of Human Rights (ECtHR) in Strasbourg is subject.

The appeal makes frequent reference to the landmark ECtHR decision in the case of Vahan Bayatyan against Armenia, as well as several cases of imprisoned Turkish conscientious objectors. In July 2011 – in a judgment that has implications for other states that still imprison conscientious objectors – the ECtHR's Grand Chamber ruled that Bayatyan's right to freedom of thought, conscience and religion had been violated by his imprisonment for his rejection of military service and awarded him compensation.

The appeal also cites two cases – those of Yunus Ercep (No. 43965/04) and Feti Demirtas (No. 5260/07) – where the ECtHR found in favour of Turkish Jehovah's Witness conscientious objectors.

### ***Two cases at ECtHR***

Three Jehovah's Witness conscientious objector former prisoners of conscience have already lodged cases against Azerbaijan at the European Court of Human Rights (ECtHR) in Strasbourg. All had been prosecuted under Criminal Code Article 321.1. Mushfiq Mammedov (no relation of Farid) and Samir Huseynov lodged a joint application (No. 14604/08) on 7 March 2008. Farid Mammedov lodged an application (No. 45823/11) on 18 July 2011.

Mushfiq Mammedov was first prosecuted and given a suspended sentence of six months in July 2006. He was prosecuted a second time for the same "offence" and was fined 250 Manats (1,737 Norwegian Kroner, 206 Euros or 312 US Dollars) in October 2009. The judge took account of the two months he had spent in pre-trial detention.

Huseynov was freed in May 2008 after serving most of a ten-month sentence handed down in October 2007. "The state one hundred percent had no right to imprison me," he insisted to Forum 18 on his release.

Farid Mammedov was sentenced to nine months' imprisonment in Baku in July 2010, but was not imprisoned until September, when his first appeal failed. His appeal was rejected in the Supreme Court in January 2011.

### ***"No communication"***

Chingiz Askerov of the Presidential Administration's Department for Coordination of Law Enforcement Agencies – who is the Azerbaijani government's Agent at the ECtHR – said the Court had not informed the government of any conscientious objection cases from Azerbaijan. "I have not had any communication from the Court on this issue," he told Forum 18 from Baku on 16 October.

Asked about the continued imprisonment of conscientious objectors, such as Mirzayev, Askerov said it was not his role to comment. "Do you think that as the government Agent to the European Court I control all courts in Azerbaijan? Is it my duty?"

Asked why Azerbaijan has failed to honour its obligation to introduce a civilian, alternative service by 2003 under its commitments to the Council of Europe, Askerov told Forum 18: "You will have to ask parliament about that. It adopts laws, I don't."

Similarly, Ramin Gurbanov, head of the Reforms Division of the Justice Ministry and the Azerbaijani government representative to the Council of Europe's European Commission for the Efficiency of Justice, declined to comment. "I'm not engaged in these issues," he told Forum 18 from Baku on 16 October. He agreed that Azerbaijan committed itself to introduce an alternative service, but said this was a question for the Presidential Administration. He refused to comment on the continued imprisonment of conscientious objectors.

### ***Latest condemnation***

Intergovernmental bodies – of which Azerbaijan is a member – have repeatedly criticised the country's failure to meet its commitment to introduce a civilian alternative to compulsory military service.

On 13 October, the Council of Europe's Venice Commission adopted a joint Opinion on Azerbaijan's Religion Law with the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights. The opinion was made public on the Venice Commission website on 16 October.

The Opinion noted Azerbaijan's failure to meet its Council of Europe obligation to introduce an alternative service and pointed to European Court of Human Rights judgments upholding the rights of those who have been imprisoned for exercising this right. "It is therefore recommended introducing legislation so as to expressly allow for alternative civilian service for those who refuse to perform military service owing to their religious (or non-religious conscientious) beliefs," the Opinion declares.

Among its "key recommendations", the Opinion called on Azerbaijan "to expressly allow in Article 4 [of the Religion Law] for alternative civilian service for persons who refuse to perform military service owing to their religious or nonreligious conscientious beliefs".

In its response – also published on the Venice Commission website on 16 October – the Azerbaijani government noted that Article 76 Part 2 of Azerbaijan's Constitution notes the right to alternative service. Its wording is echoed in Article 3.3 of the Law on Military Duty and Military Service of 23 December 2011. Article 23.0.4 of this Law also notes that conscripts conducting alternative service are among those exempt from military service, but provides no mechanism for young men to be approved for alternative service.

In response to the Opinion's recommendation on alternative service, the government merely stated that "this issue will be governed by a separate law, the adoption of which is one of the commitments of the Republic of Azerbaijan before the Council of Europe". It gave no explanation as to why this has not been done or when it is likely to be achieved.

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## **Ramadan mosque bans, JW jailed, Church ban upheld**

Forum 18 (10.08.2012) - An official in Azerbaijan's second city Gyanja [Gäncä] has admitted that only one of the city's six permitted mosques has been allowed to hold iftar meals at the end of each day's Ramadan fast. But he claimed to Forum 18 News Service that this was because the mosques did not have proper conditions. He refused to discuss a ban on Ahya night prayers in mosques, which local Muslims have complained were also prevented. The Muslim holy month of Ramadan began on 21 July and is expected to end in Azerbaijan on 19 or 20 August.

Meanwhile, one Jehovah's Witness from Gyanja spent three days in prison and another received an official warning in July, after being unable to pay massive fines imposed in late 2011 for exercising their freedom of religion or belief. Elsewhere, a Jehovah's Witness conscientious objector was forcibly conscripted into the army, but was allowed home after two weeks. And the Greater Grace Protestant Church in the capital Baku has failed in its appeal against a court decision to liquidate the Church.

### ***No iftar meals or night prayers***

Local media - including the qafqazinfo.az website and the opposition Musavat newspaper - claimed in early August that the Head of Gyanja's City Administration, Elmar Valiyev, had banned local mosques from holding iftar meals at the end of each day's Ramadan



fast, or the associated night prayers. They noted that local Muslims had complained about this.

But Ruslan Kardashov, Head of Gyanja City Administration's Department for Work with Public Organisations and Political Parties, denied this to Forum 18. "This is not true - no one can ban these," he insisted on 9 August. "Don't believe such reports - some people want to pour dirt on us."

However, Kardashov - whose role includes overseeing religious communities - repeatedly refused to discuss local Muslims' complaints about a ban on the mosques holding the night prayers.

Kardashov also admitted that five of the city's six mosques currently allowed to function had been told that they could not host iftar meals, because they do not have the "necessary conditions" for preparing and serving food. The one mosque allowed to hold iftar meals, he said, was one of the two mosques restricted to women.

"We told people to go to the ceremonial hall, or organise the iftar in their homes," Kardashov told Forum 18, claiming that the City Administration had arranged the use of one ceremonial hall for the meals. He also denied that the City Administration had received any complaints.

### ***"Nothing to do with reality"?***

On 2 August, officials of the central State Committee for Work with Religious Organisations in Baku said it had "thoroughly investigated" reports in the local media of the bans, and found they "have nothing to do with reality", according to a statement posted on the State Committee website. It stressed that Gyanja City Administration and the State Committee had organised iftar meals and prayers at a ceremonial hall in the city.

The State Committee's representative for western Azerbaijan, which includes Gyanja, declined to speak to Forum 18. Reached on 9 August, Firdovsi Kerimov put the phone down as soon as Forum 18 introduced itself.

Mugaddes Paizov, head of the International Relations Department of the state-backed Caucasian Muslim Board in Baku, to which all mosques are compelled by law to belong, also denied that anyone had banned mosques in Gyanja from holding iftar meals or night prayers. "This is disinformation," he insisted to Forum 18 on 9 August. "No one can ban these, not least in Gyanja. Our clerics would have told us if this had happened." He insisted all mosques can be open and offer the iftar meal. "People can come and eat and pray."

### ***"The building was only given to them temporarily"***

Kardashov of Gyanja City Administration defended the closure just days before Ramadan began in 2009 of the city's only Sunni Muslim mosque, and raids and official warnings on community members who try to pray together in private homes.

"The building was only given to them temporarily," Kardashov insisted to Forum 18. "A room has been made available for Sunnis at the city's Shah Abbas mosque."

Kardashov also denied that any other places of worship in the city had been forcibly closed down, including a Pentecostal Church, a Baptist Church and a New Apostolic Church. Also, the city's Seventh-day Adventist Church was raided during worship in May.

He also declined to discuss the fines and warnings handed down by local courts to members of the Sunni Muslim community, other local Muslims, Protestant Christians and Jehovah's Witnesses.

Kardashov defended the confiscation of religious books from residents of Gyanja. "All books must undergo expert analysis," he insisted. "It's the law."

### ***Three days' imprisonment***

Gyanja-based Jehovah's Witnesses Asim Mammadov and Rashad Niftaliev were taken to court in July after being unable to pay the massive fines imposed in late 2011 to punish them for meeting for worship without the compulsory state registration. "These were such large fines that they were simply unable to pay them in full," Jehovah's Witnesses told Forum 18.

On 5 July, Gyanja's Kapaz District Court - where they had originally been fined - found Niftaliev guilty of violating Article 313-1.1 of the Code of Administrative Offences, which punishes "failure to fulfil an official's order in connection with a court decision" by individuals with a fine or imprisonment of up to ten days. However, instead of imprisoning Niftaliev Judge Emin Aliyev issued him with a formal warning.

Mammadov was summoned to the same Court on 18 July, where the same Judge Aliyev found him guilty under the same Article and sentenced him to three days' imprisonment. Mammadov was taken directly to the prison that afternoon. He was not freed until 21 July, Jehovah's Witnesses told Forum 18.

Judge Aliyev of Kapaz District Court refused absolutely to discuss why he handed down the prison term and the warning to the two Jehovah's Witnesses. "I don't know who you are," he told Forum 18 from the court on 10 August. "I don't know what authority you have to ask these questions. If the two men have complaints against the court decisions, they can appeal." He then put the phone down.

Mammadov and Niftaliev were among six Gyanja Jehovah's Witnesses given massive fines in November 2011 to punish them for meeting for worship without registration. One of them had the fine reduced on appeal, but the fines on the others - including Mammadov and Niftaliev - were left unchanged.

### ***Conscientious objector's two weeks in army***

Meanwhile, Jehovah's Witness Amid Zohrabov, from Lokbatan near Baku, was forcibly conscripted into the army when he was summoned on 23 July by the local Conscription Office, Jehovah's Witnesses complained to Forum 18. Members of this religious community worldwide are pacifist and refuse to do any form of military service. Zohrabov was transported to Unit No. 707 in Gazakh Region in north-west Azerbaijan. However, his parents wrote a complaint to the commanding officer of the Unit. He was freed on 7 August and is now back at home.

"We believe Amid was freed as a result of the complaint," Jehovah's Witnesses told Forum 18. "He complained of the cold and the poor food while he was there." However, they welcome the fact that he was released.

Zohrabov was first called up in 2007. He immediately told the Conscription Office of his conscientious objection to military service and his readiness to do a fully civilian alternative service. "The Conscription Office accepted this and didn't insist that he had to go to the army," Jehovah's Witnesses noted.

However, in May 2012 Zohrabov was again called up. He was summoned to the Conscription Office on 19 July and then again on 23 July, when he was forcibly sent to the Unit.

Azerbaijan has no alternative to military service, which all young men are obliged to do. Some conscientious objectors have been imprisoned for refusing compulsory service.

### ***Appeal against ban fails***

Baku's Greater Grace Protestant Church has failed in its bid to overturn the lower court decision to liquidate it and ban its activity. A panel of three judges at Baku Appeal Court, headed by Judge Seriyev Seyidova, rejected the Church's appeal on 31 July, the court website notes.

Court liquidation would forcibly close the Church. All unregistered exercise of freedom of religion or belief is - against international human rights standards - illegal under the Religion Law.

Church members told Forum 18 they are already preparing a further appeal to Azerbaijan's Supreme Court. They insist they will take their case to the European Court of Human Rights in Strasbourg if necessary.

The Church has had state registration with the Justice Ministry since 1993. The State Committee, which is now in charge of registering religious communities, lodged a liquidation suit in December 2011, arguing that the Church should be liquidated for failing to gain re-registration with it in 2009. On 25 April 2012, Administrative Economic Court No. 1 upheld the State Committee's suit. Baku Appeal Court began hearing the Church's appeal on 17 July.

The Church insists that the liquidation suit brought by the State Committee should have been rejected, as one state body should not be able to seek the cancellation of registration by a different state body. It also points out the near-impossibility for Protestant communities to gain re-registration from the State Committee.

Many Protestant communities are among hundreds of religious communities, including mosques as well as Jehovah's Witness communities, whose re-registration applications were lodged before the Religion Law's deadline of the end of 2009. These have been either rejected or not answered. The State Committee is known to have approved only six registration or re-registration applications since the beginning of 2012.

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## **"They were praying where they weren't allowed"**

Forum 18 News (11.07.2012) - Three Turkish students studying in Azerbaijan's second city Gyanja [Gäncä] have been heavily fined for joining a local family for Muslim prayers in their home. However, they narrowly avoided deportation after the intervention of Turkish diplomats, Forum 18 News Service has learnt. Officials accused them of being Muslims who promote the teachings of the late Turkish Muslim theologian Said Nursi. The Muslims say at least some of those detained were beaten, but the police chief denied this to Forum 18.

Meanwhile police and National Security Ministry (NSM) secret police raided the private home in the capital Baku of a Muslim, Zeka Miragayev. They confiscated copies of the Koran and other Muslim literature, as well as the home owner's money.

### ***Baku raid, literature confiscated***

About six officers from the 18th Department of Baku's Narimanov District police and NSM secret police officers arrived at Miragayev's Baku home on 31 May when he was out, as he told Forum 18 from Baku on 11 July. The officers conducted a search without a warrant.

Police confiscated 30 copies of the Koran, as well as 24 other books, including some by Said Nursi. They also took 34 Manats (265 Norwegian Kroner, 35 Euros or 43 US Dollars) and 500 US Dollars (392 Manats, 3,050 Norwegian Kroner or 410 Euros). Miragayev was particularly upset that the officers failed to take off their shoes in his home.

"This raid was illegal and a terrible violation of my civil rights," Miragayev told Forum 18. He said that neither the money nor the books have been returned. "We don't even know where the books are," he complained. "Maybe they are still with the police."

### ***Miragayev wrote letters of protest to President Ilham Aliiev and other state agencies.***

The telephone of the Head of the 18th Department Police, Hakani Mammadov, went unanswered each time Forum 18 called on 10 and 11 July. Asked on 11 July why police raided Miragayev's home and seized his religious books, Mammadov's deputy, Fariz Hajiyev, refused to answer any of Forum 18's questions and put the phone down.

The telephone of the NSM secret police press office went unanswered each time Forum 18 called on 11 July.

### ***Detained for praying***

Turkish citizens Sadulla Genc, Salim Samir and Togrul Kiraz are all students of Gyanja State University. They were detained by police on 28 April after they joined a local family in their home in praying the namaz (Muslim prayers), Genc told Nushabe Fatullayeva of Radio Free Europe (RFE)'s Azeri Service for a 6 July article.

Genc and his two fellow Turkish students had been visiting friends socially, not for a religious meeting. As evening drew on and the time came for namaz, they prayed together. He said officers of Gyanja's Nizami District Police arrived five minutes later and took the three students and their hosts - a father and son - to the District Police Chief Adalat Sadikov.

Sadikov asked the host's son why he had invited the students to their home. When he responded, the police chief swore at the son and then at his father, Genc told RFE. When the son asked Sadikov not to swear at his father, the police chief hit him several times. Two other officers also hit the son on his head and in the stomach until he fell to his knees, Genc added.

Police pressured those they had detained to write statements confessing that they had been meeting for an "illegal" religious meeting affiliated with the Nursi movement. But they all refused.

Genc told RFE that they had been held for eight hours at the police station with no food or water. He complained of the "psychological and physical pressure" on them from the police.

### ***"They were praying where they weren't allowed"***

Police Chief Sadikov insisted to Forum 18 that "there were reasons" for his officers to detain and question the three students, Genc, Samir and Kiraz. "The court has confirmed this," he insisted to Forum 18 from Gyanja on 11 July. "We did nothing wrong."

Asked what the students had done that had led to the police raid and their detention, Sadikov insisted: "They violated our national procedures." Asked how, he responded: "They were praying where they weren't allowed." Asked why it is not allowed to pray with a group of friends in a private home, Sadikov contradicted his earlier statement: "They weren't punished for praying."

Sadikov repeatedly refused to tell Forum 18 what exactly the students and their hosts had been doing apart from praying which attracted police attention. He also repeatedly refused to say how the police knew the students were visiting the private home. "We're not obliged to give you information."

Asked about the claims that police had used violence against those detained, Sadikov absolutely denied it. "No one beat them," he claimed to Forum 18. "No one has the right to beat anyone." He described claims of abuse as "lies".

### ***Fined and ordered deported***

The three students, Genc, Samir and Kiraz, were accused of violating Article 300.0.4 of the Code of Administrative Offences. This punishes "the conduct of religious propaganda by foreigners or stateless persons" with fines for individuals of between 2,000 and 2,500 Manats and deportation. These fines were sharply increased in Administrative Code amendments in December 2011.

On 7 June, Genc, Samir and Kiraz were tried at Gyanja's Nizami District Court. Judge Rahman Muradov found them guilty. He fined each 2,000 Manats (15,550 Norwegian Kroner, 2,075 Euros or 2,550 US Dollars) and ordered their deportation.

However, the three appealed to Gyanja's Appeal Court. On 28 and 29 June, under different panels of judges, the three had their convictions upheld, the court website noted. Although the fines were retained, the deportation orders were revoked, allowing them to remain in Azerbaijan.

Police Chief Sadikov defended the convictions of the three to RFE, describing them as the "right decisions".

The telephone of Judge Muradov at Nizami District Court was engaged each time Forum 18 called between 9 and 11 July. The chancellery at Gyanja Appeal Court referred Forum 18 to the assistant to Judge Shamil Rzaquliev, who had chaired the appeal hearing in Samir's case. He told Forum 18 that the Judge was unavailable in a hearing. He said the decision had entered into force when it was handed down.

### ***Turkish diplomatic involvement***

Officials of the Security Department of Turkey's Embassy in Baku confirmed to Forum 18 that the three students are Turkish citizens. "Our Consulate in Gyanja followed this case seriously," one official told Forum 18 on 10 July. "Our Foreign Ministry in Ankara also followed the case." The official declined to say what action Turkish diplomats had taken.

Asked if the Embassy had dealt with earlier such cases, the official claimed that "there are not the same problems with other Turkish citizens".

Asked about the Turkish imam who had been working at a Turkish-built Sunni mosque in the Azerbaijani exclave of Nakhichevan [Naxçivan], but who had left in early 2011, the Embassy official said he did not know about the case. The official also declined to discuss

the enforced closure of the Turkish-built Martyrs' Mosque in Baku in 2009. It remains closed for alleged repairs.

### ***Will Baptists face prosecution?***

Police and NSM secret police officers often prevent people in Azerbaijan exercising their right to freedom of religion or belief.

Three Baptists were detained by police on 17 May for sharing their beliefs in the village of Mujuk in the northern Kusar [Qusar] Region. Christian literature and a car were confiscated. They were threatened with criminal charges. In a separate incident, three Baptists from Sumgait visiting the northern Khachmaz [Xacmaz] Region were detained by police on the morning of 23 June and held until 1 am the following morning, after they offered Christian literature to passers-by. They too have been threatened with criminal charges.

Council of Churches Baptists say that the cases against the six are still being investigated, but no action has yet been taken against them. "The literature and the car have not been returned, but they have not been questioned recently," one Baptist told Forum 18 on 10 July. "We are continuing to pray and write appeals," another told Forum 18 the same day.

Other Protestant Christians, Muslims who read Nursi's works, and Jehovah's Witnesses often face similar raids, literature confiscations and court cases.

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## **Not arrested, merely detained**

Forum 18 (03.07.,2012) - After two separate incidents in neighbouring regions of northern Azerbaijan bordering Russia, police have threatened six Baptists with criminal prosecution for sharing their faith with others, and handing out religious literature, Baptists who asked not to be identified for fear of state reprisals told Forum 18 News Service. The six are all awaiting possible prosecutions in their homes, but the passports of three have been confiscated. Christian literature and a car confiscated from three of them have not been returned.

Azerbaijan imposes strict state controls on all exercise of freedom of religion or belief. All religious activity without state permission is illegal. Religious literature can only be given away or sold if it has passed through the compulsory prior state censorship and only then in specialised state-approved shops. Heavy punishments are imposed for breaking these restrictions.

### ***Threatened with criminal charges***

Three Baptists visiting the northern Khachmaz [Xacmaz] Region were detained by police on the morning of 23 June and held until 1 am the following morning, after they offered Christian literature to passers-by, church members told Forum 18. They have been threatened with criminal charges and await possible prosecution at home. "They handed out at most five or six items of literature", church members told Forum 18 on 28 June.

The three Baptists - Timofei Aparshev, Nadezhda Ryzhkova and Stepanida Sheludyakova - are all members of the Council of Churches Baptist congregation in the port of Sumgait [Sumqayit]. Council of Churches congregations refuse on principle to seek state registration in any of the former Soviet republics where they operate.

After a conversation with a group of people and distribution of literature, one young man came up to them and asked them to give what they were giving. He then immediately approached the police. The three Baptists were taken to the police station where they were asked the same questions separately. Among those questioning them was Khachmaz Deputy Police Chief Misir Imamaliyev.

After they refused to write a statement, the Representative for Northern Azerbaijan of the State Committee for Work with Religious Organisations, Eynulla Nurullayev, arrived and began to question each of them separately. He threatened to file criminal charges under Article 167-2, Part 1 ("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"). Part 1 punishes first time "offenders" acting alone.

Punishments are a fine of 5,000 Manats (38,627 Norwegian Kroner, 5,127 Euros, or 6,369 US Dollars) to 7,000 Manats (54,052 Norwegian Kroner, 7,175 Euros, or 8,916 US Dollars), or up to two years' imprisonment. The minimum monthly wage has been 93.50 Manats (685 Norwegian Kroner, 90 Euros, or 119 US Dollars) from 1 December 2011.

At 11 pm on 23 June the three Baptists were taken to the head of the Criminal Investigation Department, who treated them "especially crudely". Police confiscated their passports "so as not to allow them to flee to Russia" according to police. All three are Azerbaijani citizens. They were released from the police station at 1 am on 24 June.

Currently, police say they are collecting materials to institute criminal proceedings, and the case has been transferred to Sumgait Police. The three are expecting to be summoned there for further questioning, church members told Forum 18.

### ***Not arrested, merely detained***

Khachmaz Deputy Police Chief Imamaliyev insisted that the three Baptists had not been arrested, but merely detained while their identity was being established. "They didn't have their documents with them," he told Forum 18 from Khachmaz on 28 June. He stressed that they are now back at home.

Imamaliyev defended the detention. "Our Criminal Code was recently amended, and you need permission to distribute any religious literature, whether Muslim or Christian."

Asked whether Azerbaijan has freedom of speech, Imamaliyev claimed that it does. Asked whether distributing books about socialism or vegetarianism was also banned he said: "Those times have gone. But distributing religious literature requires permission. We have special shops where religious literature can be sold."

Imamaliyev said State Committee representative Nurullayev had to be involved "as he had to give an assessment of the books". "He said that distribution of any religious books without permission is illegal."

Asked whether the three Baptists will be brought to court, Imamaliyev told Forum 18: "The investigator is still looking into this. But everything will be OK, we won't imprison anyone."

The telephone of State Committee representative Nurullayev in Kuba was not answered each time Forum 18 called on 28 June.

### ***Detained and threatened***

The detentions and the threats to launch criminal proceedings came a month after three other Council of Churches Baptists from the congregation in the nearby town of Kusar [Qusar] in northern Azerbaijan were detained and threatened.

The three Baptists - Ilgar Mamedov, Akif Babaev and Telman Yarmetov, all ethnic Lezgins – were detained by police on 17 May for sharing their beliefs in the village of Mujuk. They were taken to the police station in Kusar. The police chief ordered that all their literature (120 items of 13 different publications) should be confiscated, as well as Yarmetov's car. The investigator, Senior Lieutenant Rafael (last name unknown), drew up a record and handed it to the Prosecutor's Office. When the three Baptists arrived at the Prosecutor's Office, Senior Lt. Rafael claimed that he could prove the criminal charges he was making.

The three were threatened with prosecution under Criminal Code Article 167-2, Part 1 ("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").

"The three were accused of being members of an unregistered church, whose activity is therefore illegal and which doesn't have the right to distribute its literature or preach its faith without special permission from the authorities," church members complained to Forum 18. "They were threatened with a massive fine, or imprisonment of a year or more."

An officer of the Kusar Police Investigation Department denied to Forum 18 the day after the detentions that any such incident had occurred. "No one was detained, no car was seized. Police don't have the right to seize cars, only the courts".

The three were subsequently summoned individually and asked "many personal questions", fellow Council of Churches Baptists told Forum 18. "They wanted to know when they got married, where they work, how many children they have, where they are registered."

### ***Hostile media coverage***

In late May, the local television station RTV Khachmaz broadcast an item about the detentions and naming the three, Baptists told Forum 18. "Ilgar Mamedov's relatives – who are not Christians – saw the broadcast and told him they had been described as propagandists for Christianity who were agitating for Christianity among the population." The relatives said that the broadcast had noted that an investigation was underway, and that the matter would not be dropped.

As of 28 June, police had still not returned the confiscated car, nor the confiscated literature.

The duty officer at Khachmaz Police admitted to Forum 18 on 28 June that he is familiar with the detention and the accusations against the three Baptists. Asked whether the three will face trial, the officer – who would not give his name – responded: "You're a journalist? Am I required to give an account to you?" He then put the phone down. Subsequent calls went unanswered.

An employee of RTV Khachmaz told Forum 18 on 28 June he did not recall the broadcast mentioning the case. Forum 18 sent written questions to RTV Khachmaz the same day, but had not received a response by the end of the working day in Khachmaz.

Mamedov and Babaev were among four local Baptists sentenced to five days in prison after police raided their congregation's Harvest Festival in Mamedov's private home in Kusar on 31 October 2010.



### ***Baku church's liquidation appeal***

Baku's Greater Grace Protestant Church is awaiting its appeal against the lower court ruling ordering that it be liquidated. Baku Appeal Court has set the hearing to take place under Judge Seriyev Seyidova at 11 am on 17 July, church members told Forum 18. The liquidation order does not go into force until all legal hearings have been completed. When the ruling comes into force, any religious activity the Church or its members engage in will be illegal and subject to heavy punishment.

Judge Tahira Asadova of Administrative Economic Court No. 1 in Baku ruled to liquidate the Church at a 15-minute hearing on 25 April in the absence of any Church representatives. Monitors from the Baku Office of the Organisation for Security and Co-operation in Europe (OSCE) attended successive hearings in the case, which had been initiated by the State Committee. The Church lodged its appeal to Baku Appeal Court on 24 May.

Greater Grace Church – which has been registered with the Justice Ministry since 1993 - is the first religious community known to have been ordered liquidated since the 2009 Religion Law was adopted. However, the authorities have already closed down Muslim mosques they do not like – most of them Sunni.

### ***Only six re-registrations in 2012***

Despite several hundred unprocessed registration or re-registration applications from religious communities dating back to 2009, the State Committee is known to have approved only six since the beginning of 2012. Five of them have been mosques and one is a Protestant church.

The re-registered Baku-based Word of Life Protestant Church (formerly Cathedral of Praise) was among hundreds of religious communities which lodged the required re-registration applications in late 2009. The registration certificate – dated 24 May 2012 – was handed over to church leaders on 29 May, church members told Forum 18.

The Church had sued the State Committee in court after it refused to process its registration application, eventually winning in the Supreme Court in February. The Supreme Court ordered the State Committee to complete the re-registration. However, the Jehovah's Witness community lost a similar long-running suit against the State Committee's denial of re-registration the same month.

Also registered at about the same time as Word of Life was a mosque in Agsu District. Both were only added to the published list of registered religious organisations on the State Committee website on 26 June.

The two new registrations bring the total of registered communities to 576. Of these, 555 are Muslim (which the Religion Law requires must be controlled by the state-backed Caucasian Muslim Board) and 21 are of other faiths. Of the non-Muslim registered communities, six are Jewish (Mountain, Georgian and Ashkenazi), three are Molokan (an earlier Russian Protestant-style Christian group), two are Udi Christian (a community revived with state backing), two are Georgian Orthodox, two are Baha'i, one is Russian Orthodox (the Baku diocese with six parishes), one Catholic, one Lutheran, one New Life Pentecostal, one Word of Life Pentecostal and one Hare Krishna community.

### ***New State Committee leader***

In two separate decrees on 31 May, President Ilham Aliiev removed Hidayet Orujev as chair of the State Committee and appointed Elshad Iskenderov to replace him. On 5

June, President Aliiev granted the 67-year-old Orujev a personal pension to reward him for "long and effective state service".

Orujev had headed the State Committee since July 2006, a period which has seen increasing restrictions on exercising freedom of religion or belief in Azerbaijan. The Religion Law was amended twice in 2009 to bring in new restrictions and again in July 2011. New "offences" and fines for exercising the internationally recognised right to religious freedom have been introduced into the Criminal Code and the Code of Administrative Offences. During this period, raids on religious communities at worship have been frequent, as have fines and confiscations of religious literature.

Elshad Iskenderov, who is 40, studied at New York's Columbia University. He has been First Secretary of Azerbaijan's Permanent Mission to the United Nations (UN) in New York. More recently, he was General Secretary of the Youth Forum of the Organisation of Islamic Co-operation. It remains to be seen whether his UN experience will cause him to uphold the internationally recognised right to religious freedom, which Azerbaijan has formally promised to implement.

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## **Tensions rise between Iran and Azerbaijan**

"Deutsche Welle," (07.06.2012) Azerbaijan feels badgered by its Islamic-led neighbor. Iran's latest attempts to interfere in Azerbaijan were evident during last week's Eurovision Song Contest. But the conflict goes much deeper.

Observers in the region have noted a worsening of relations between Azerbaijan and Iran for months now. Yet Azerbaijanis are the largest minority group in Iran. There are more Azeri Turkic speakers there than in Azerbaijan with its population of ten million.

The good relations of the former Soviet republic to Israel and the United States are a thorn in the side of the Islamic leadership in Tehran. While the pressure of sanctions on Iran is increasing because of its controversial nuclear program, Israel is delivering highly modern defense goods to Baku.

In addition, recent reports surfaced of Israel's plans to use air bases in Azerbaijan for a possible preemptive strike against Iran's nuclear facilities. Azerbaijani authorities arrested 22 people in March for allegedly planning attacks on Israeli and US targets by order of Iran.

### ***Outrage over 'un-Islamic' music***

Emotions ran high ahead of the Eurovision Song Contest. The flamboyant annual pageant of pop music from around Europe was held in Azerbaijan for the first time last month. Iran's entire state-run media exercised massive criticism of the allegedly un-Islamic and scandalous show in Baku.

In a similar manner, Foreign Minister Ali Akbar Salehi, as well as the influential Ayatollahs from Tehran and Tabriz, Kazem Sedighi and Mojtahad Shabestari warned that harm was being done on Islamic ground. Iran's news agency IRNA reported that Tehran recalled its ambassador from Baku for consultations to protest what it described as the Azeri government's "insults to the sanctities" of Islam. Azerbaijan only reacted to the criticism a few days following Eurovision.

"We are telling you Iranian clerics that you should be ashamed of yourselves," said presidential spokesman Ali Hasanov. "You pray to Allah every day and lie. We don't need clerics like this. The people of Azerbaijan will not work together with such clerics under any circumstances."

### ***Iranian meddling***

The Azerbaijani MP Rasim Musabekov told DW that Iranian attempts to intervene had been debated several times in parliament. "The Mullah regime wants to form our policies," he said.

This was confirmed by Ahmed Omid Yazdani, a Berlin-based expert on Azerbaijan. "The good relations between Azerbaijan to Israel, the US and other western countries unsettle Iran," Yazdani said. "Azerbaijan orientates itself towards the western world and culture, and Iran does not tolerate this."

Further cause for conflict exists in the good relations between Iran and Armenia, Yazdani said. Azerbaijan and Armenia have been at odds for over two decades over the disputed Nagorno-Karabakh region, an ethnic Armenian enclave that obtained de facto independence from Baku in 1994 - with Yerevan's support. One fifth of Azerbaijan's national territory is under Armenian control.

### ***A signal for the West***

Caucasus expert Stefan Meister from the German Council on Foreign Relations (DGAP) in Berlin said Azerbaijan is trying to preserve its independence vis-à-vis its big southern neighbor.

"This is about Iran's influence on Azerbaijan's politics and about the existing fear of Islamization," Meister said. "Azerbaijan feels threatened and is sending signals that it wants to work together with the West and be an important partner for the West in the region."

Hojat-ol-Islam Azimi Qadim, an ethnic Azerbaijani cleric from Qom, said he believed that the conflict between Iran and Azerbaijan will continue for a long time.

"Azerbaijan is a secular country and Iran in contrast is a theocracy," Qadim said. "Iran takes exception to the fact that the media in Azerbaijan can express themselves freely and openly against Iran. The Azerbaijan government is trying to normalize its relations to Tehran, but this will only succeed with great difficulty." The conflict will not be easy to solve, he said.

Stefan Meister said western nations should continue to support Azerbaijan but not interfere directly in its policies.

"The Americans have invested a lot in this country against the Russians and against Iran, and continue to do so. Azerbaijan is calling for support from the West." He warned western nations, however, from egging on Azerbaijan.

"There should be attempts to develop trust on other levels," Meister said. "There are areas such as the fight against drugs or economic relations where a lot can be done. The question is whether the governments are willing to do so."

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## **Trouble ahead for Christians in Azerbaijan?**

World Evangelical Alliance (01.06.2012) - Azerbaijani President Ilham H. Aliyev will seek his third-consecutive re-election in October 2013. Seen by many as a dictator, the president of this Shi'a-majority nation began to lay the groundwork for the next election by restricting civil and political rights soon after he was re-elected in 2008. And now as the election is closer, he can be expected to further tighten the noose on freedoms.

Growing criticism by human rights groups notwithstanding, the former Soviet nation of 9.2 million people has increasingly shown signs of authoritarianism – from widespread corruption perpetuated by a lack of accountability and transparency to harassment of journalists, bloggers and opposition members with total impunity. And among the targets of the regime are non-traditional Protestant Christian groups.

On May 12, police raided a Seventh-day Adventist Church in Gynaja, interrogated church members and children, and imposed heavy fines on a congregant without going to a court, Forum 18 reported. The agency also reported that a court in the capital city of Baku on April 25 ruled to liquidate the Greater Grace Protestant Church when no church representative was at the hearing. Further, it was learnt that authorities were sitting on license applications of about 100 shops wishing to sell religious books.

A presidential election is far more important than parliamentary polls in Azerbaijan, where legislature has little power as compared to the president's office. The Aliyev regime will likely make every effort to ensure victory. And the efforts could involve a greater crackdown on religious groups.

Perhaps this is why the government has announced that it is facing a serious threat from Islamist terror groups. The National Security Ministry on May 30 claimed it thwarted a series of ambitious terrorist attacks planned during a recent Eurovision Song Contest. The ministry said targets included major hotels housing foreign tourists, and an assassination attempt on President Aliyev, according to The Associated Press.

The government has in recent months made similar claims that al-Qaeda-linked groups and even Iran were involved in terror activities inside Azerbaijan, which is not very friendly with Tehran despite being a Shi'a-majority nation.

With domestic laws that help the government to "legally" harass religious groups and civil and political activists, the "Islamist terror" threat might become a pretext.

In less than six months after his re-election in October 2008, President Aliyev restricted the freedom of the press and removed the two-term limit for the presidency by a constitutional referendum in March 2009, to pave the way to run again in 2013. The same year, the regime also enacted legal amendments to reduce the space for religious groups and non-governmental organizations.

The Religion Law states that freedom is subject to public order and stability in vague and wide terms, requires that religious organizations be registered with the government, and provides for a burdensome registration process, according to the U.S.-based Freedom House. The law also puts many vague riders on the right of religious groups to provide religious education to their members, especially children.

Laws also mandate NGOs to register with the Ministry of Justice to be able to function with a legal entity, and procedures laid down for registration are cumbersome and nontransparent. NGOs must also register their grants with the government and foreign NGOs must reach agreements with the government, laws require.

The majority of the media in Azerbaijan are owned or controlled by the government or groups and individuals allied to it. And the government has created conditions that would make it difficult for independent media groups to function and survive.

The existence of courts brings no hope to the citizens, as the judiciary is largely subservient to the government.

Since 2009, the government and its agents have heightened crackdown on journalists and bloggers, arresting them under criminal provisions of defamation, terrorism and inciting hate. Many have been attacked with total impunity.

Restrictions paid political dividends to President Aliyev, who took charge of the country after the death of his father Heidar Aliyev, a former Soviet communist leader who ruled for the majority of years from 1969 with an iron fist. In the 2010 parliamentary election, in which European observers found numerous irregularities, all the 125 seats went to the ruling New Azerbaijan Party and independents loyal to it. The opposition parties of Musavat and Azerbaijani Popular Front have no presence in parliament.

What one sees on the ground is in contrast to the stated ideology of the ruling New Azerbaijan Party, i.e. lawfulness, secularism (not in the Western sense), and nationalism; the constitution, which provides for the right to practice, choose and change one's religious belief and form religious groups; and international obligations of the country, which is a member of the United Nations Human Rights Council and a non-permanent member of the UN Security Council.

It's a nation that takes pride in being the first democratic and secular republic in the Muslim world, and the first Muslim-majority country to allow and appreciate theater and other arts. Some even see this nation as one of the most liberal majority-Muslim nations. However, with its autocratic rule, Azerbaijan is far from being an example for any nation in the world.

According to a diplomatic cable dispatched by the U.S. Embassy in Azerbaijan and uncovered by WikiLeaks, President Aliyev was compared to a mafia crime boss.

Instead of shying away from openly criticizing the Azerbaijani government, the international community – especially the European Union, the Organization for Security and Co-operation in Europe (OSCE), the United States, and other international and regional institutions and partners – must call a spade a spade, and do that publicly, followed by action.

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## **Azerbaijan court liquidates Church**

Forum 18 (26.04.2012) - A court in the Azerbaijani capital Baku has ruled to liquidate the Greater Grace Protestant Church, the Judge's assistant told Forum 18 News Service. At a 15-minute final hearing on 25 April in the Church's absence, Judge Tahira Asadova upheld the suit lodged by the State Committee for Work with Religious Organisations. Asked how the Judge could have taken a decision which means that any activity the Church engages in would be illegal and subject to punishment, Judge Asadova's secretary Sevinj Ahmedova told Forum 18:

"The court has decided." She said the decision will enter into force a month after the written verdict is issued, unless the Church lodges an appeal. Church members told

Forum 18 they intend to challenge the decision through every court, even to the European Court of Human Rights in Strasbourg. Ilya Zenchenko, head of Azerbaijan's Baptist Union, says he is troubled by the decision. "I protest against it - it is not just," he told Forum 18.

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## **Waiting for state approval to sell religious books**

Forum 18 (25.04.2012) - An official of the State Committee for Work with Religious Organisations - which operates Azerbaijan's harsh religious censorship system - admitted in mid-April that about 100 shops wishing to sell religious books are still waiting for the necessary licences. Only 16 such licences have been issued since the system's introduction in 2009. Forum 18 News Service notes that selling religious books without a licence risks a maximum punishment for a first offence of two years' imprisonment. Baku's Metro banned the sale of religious books in early April. One religious publisher told Forum 18 that after the compulsory licensing system was introduced, several bookshops returned books as they were too afraid to sell them without a licence. Jehovah's Witnesses have failed in about 15 legal cases challenging State Committee religious censorship decisions.

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## **Religious freedom survey, April 2012 (Part I)**

By Felix Corley

Forum 18 News Service (17.04.2012) - Ahead of Azerbaijan's hosting of the Eurovision Song Contest in late May, Forum 18 News Service notes that freedom of religion or belief and related human rights such as the freedom of expression and of assembly remain highly restricted. Violations of fundamental human rights are commonplace, officials often insisting that human rights can only be exercised with the specific permission of the state.

Azerbaijan is the largest country in the South Caucasus region and with over 9 million people has the largest population. It includes the exclave of Nakhichevan [Naxçıvan], which borders Iran, Armenia and Turkey, where the human rights situation is worse than in other parts of the country. A bitter territorial dispute continues about the currently Armenian-controlled entity of Nagorno-Karabakh, which led to open war between 1988 and 1994. Well over 90 per cent of Azerbaijan's population are ethnic Azeris (regarded as being of mostly Shia Muslim background), with around 2 per cent of the population being Lezgins (who are regarded as being of Sunni Muslim background). Around 2 per cent of the population are Russians or other Slavs (regarded as being of Russian Orthodox or other Christian background), with smaller percentages of Jews and other ethnic minorities.

President Ilham Aliiev has run the country since 2003, taking over on the death of his father Heidar Aliiev who had run the country for the majority of years from 1969. Under both Aliievs, local and international human rights defenders have documented cases of electoral fraud, corruption, and violations of human rights and the rule of law. Despite massive oil wealth, much of the population remains in poverty.

Among freedom of religion or belief and interlinked human rights issues Forum 18 has documented are:

- state attempts to counter discussion of violations with claims of inter-religious harmony and religious tolerance;
- officials behaving as if the rule of law places no limitations on their actions;
- unfair trials lacking due legal process;
- steadily increasing "legal" restrictions on and punishments for exercising freedom of religion or belief, often prepared in secret, forming a labyrinth of restrictive state controls;
- "legal" denials of international human rights standards Azerbaijan has agreed to implement;
- arbitrary official actions denying fundamental rights to citizens and foreigners;
- a highly restrictive censorship regime, including bookshop, photocopy shop and postal censorship;
- an arbitrary compulsory state registration system, designed to make all exercise of freedom of religion or belief – including the legal right to exist - dependent on state permission;
- enforced closures of places people meet for worship;
- a ban on praying outside mosques;
- jailing of prisoners of conscience exercising the right to conscientious objection to military service;
- arbitrary deportations of foreign citizens exercising the right to freedom of religion or belief;
- and severe denials of human rights in the Nakhichevan exclave.

### ***Tolerance? Dialogue?***

Officials have from the late 1990s attempted to counter discussion of violations of freedom of religion or belief and related human rights with claims of inter-religious harmony and religious tolerance. State-favoured religious communities echo such claims. President Ilham Aliyev in April 2011, speaking at the official opening in the capital Baku of a government-initiated World Forum on Intercultural Dialogue, 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," the presidential website quoted him as adding. The event was supported by among others the Council of Europe, UNESCO, and the UN Alliance of Civilizations.

As President Aliyev spoke, Sunni Muslim and Protestant Christian religious communities in the second city Gyanja [Gäncä] were banned from meeting for worship, in one case riot police being deployed to ensure that a congregation could not meet in their church. Babek Sadykov of Gyanja Police 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". Apologists for government policy never explain how it is possible to promote and practice tolerance and dialogue while directly attacking the rule of law and fundamental human rights such as freedom of religion or belief.

### ***A rule of law state?***

Officials behave as if the rule of law, including published laws, place no limitations on their actions. Trials for alleged offences have often flagrantly lacked due process, including trials taking place without those accused being aware that the trials are happening. Officials do not allow the international human rights standards to which Azerbaijan is party to limit their actions. These standards include the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the human dimension commitments of the Organisation for Security and Co-operation in Europe (OSCE).

Officials take full advantage of the unclear or undefined wording of laws. Police and other officials have routinely insisted during raids that unregistered religious activity and religious meetings within private homes are illegal – even before the 2009 legal changes formally introduced such "offences" into published laws.

Similarly, officials often ignore other laws and legal procedures. For example in June 2011, police and local officials of the State Committee for Work with Religious Organisations raided a Baptist Sunday morning worship service in Sumgait [Sumqayit] near Baku. 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."

Forum 18 is aware of no case where an official, while engaged in preventing people from exercising their right to freedom of religion or belief, has been punished.

### ***Rushed and secret preparation of "legal" restrictions***

Azerbaijan has constructed a complex labyrinth of steadily increasing "legal" restrictions on and punishments for exercising freedom of religion or belief, often prepared in secret. The aim appears to be to help impose state control of society, including any independent civil society activity, and to make all exercise of human rights dependent on state permission.

The Religion Law – misleadingly called the Law on Freedom of Religion – has been amended 14 times between 1992, when it was first adopted, and the latest July 2011 changes. Every significant change has imposed tighter restrictions on freedom of religion or belief. Many of these amendments – like changes to the Criminal Code and Code of Administrative Offences (see below) – were prepared in secret, with no public consultation, and were rushed through Parliament, the unicameral Milli Mejlis. This is dominated by President Aliiev's New Azerbaijan Party, which after the last 2010 election has 72 out of 125 seats. Ambassador Audrey Glover, head of the OSCE election observation mission, condemned "restrictions of fundamental freedoms, media bias, the dominance of public life by one party, and serious violations on election day".

### ***"Legal" restrictions***

Many aspects of the Religion Law are highly problematic, and among the more important serious problems with the latest 2009 version are:

- Implementation of international agreements?

The Religion Law Preamble proclaims that it "provides for the implementation of Freedom of Religion (..) according to the Constitution of the Republic of Azerbaijan and international agreements". Article 2 also states that "legislation on freedom of religion consists of the Constitution, international agreements agreed by Azerbaijan, this Law and other relevant legislation of Azerbaijan." However the Law contradicts international standards on freedom of religion or belief which Azerbaijan has agreed to implement.

For example, Article 1 uses vague and undefined language – leaving much scope for arbitrary official interpretations – to ban "propagating a religion and religious lifestyle by using force or threatening to use force, as well as to cause racial, national, religious, social animosities and hostility. The dissemination and propagation of religions (religious sects) that degrade human dignity or contradict the principles of humanism is banned".

- Ban on conscientious objection?



Article 4 of the Religion Law includes a ban on "refusing or declining to fulfil obligations determined by the law for his/her religious beliefs." It also states, in unclear wording, that "substituting the fulfilment of one responsibility by another may only be allowed in cases provided for by the legislation of the Republic of Azerbaijan". There is no legislation on conscientious objection to military service or alternative civilian service. This Article may be aimed at barring objection to military service on grounds of religious belief, and similar objections based on conscience (see below).

#### - Religious education restricted

Article 6 states that religious education of children or adults in institutions can only happen if it is specified in the organisation's charter. It is unclear whether this is the only context in which religious education can happen. Article 10 now states that "religious educational institutions act on the basis of a special permit (licence) issued by the competent executive body as defined by the legislation of the Republic of Azerbaijan". Criminal Code punishments for breaking rules on religious education were also separately introduced (see below).

From July 2011, a new Article 6.5 adds a requirement that religious organisations must have permission from their headquarters to run religious education for young people.

Article 6 states that "the state educational system is separate from religion", goes on to state that "religious studies, religious knowledge, religion and philosophy courses, and an overview of the teachings contained in religious texts may be included in the curricula of state educational institutions". However, there is no provision for an opt-out from such teaching if it should be against the beliefs of the child, young person, or their parents or guardians, in contradiction to Article 1's statement that they "have the right to educate their children in accordance with their religion or their attitude towards religion".

#### - Religious education

Article 6 (since July 2011) also specifies requirements for conducting religious education. "If their statutes allow this, religious organisations may carry out

educational and training activities in a specified form for the education of young people and adults, by establishing educational institutions, as specified in legislation."

Article 29 requires the State Committee to both approve and monitor such education.

#### - Children's freedom of religion and education a potential crime

Article 167-1 of the Criminal Code, added in May 2009, punishes forcing individuals, including children, to take part in religious activity or religious education. The meaning of "forcing" is undefined. Ordinary people who violate this can be punished by a fine or up to two years' imprisonment. Officials who violate this can be punished by a larger fine or between two and five years' imprisonment. This is in addition to the Administrative Code Article 299 changes discussed below. In December 2011 fines under this article were dramatically increased (see below).

#### - Sale of religious literature and objects censored

The Religion Law reinforces the existing censorship regime, along with Administrative Code Article 300 (see below). Religion Law Article 22 states: "Religious organisations, and other natural and legal persons who are not religious organisations, may produce, import, export and freely disseminate religious literature, items and other information materials". However, it allows this only "with the consent of a relevant state body", once again breaking Azerbaijan's international human rights commitments.

It also states that: "The sale of literature and objects of religious designation and other informational materials of religious content is carried out only at specialised points of sale created with the agreement of an appropriate state body." The Presidential Decree implementing amendments to the Religion Law and the Criminal and Administrative Code identified the State Committee as the "appropriate state body".

- Unregistered freedom of religion or belief banned

The May 2009 amendments devote much space to restricting legal status, Article 12 stating that: "Religious organisations may function only after state registration by a relevant state body and the state registry of religious organisations". There is no legal possibility for more than one person to manifest freedom of religion or belief without state permission. State officials, as before, use such provisions to try to ban the "illegal" exercise of freedom of religion or belief.

- Doctrinal and other intrusive tests for registration

Article 12 demands: "information on the citizenship, residence, and date of birth of people founding the religious society, a copy of their identity cards, the basis of their religious teachings, information on the date of establishment of the religion and community, the form and methods of its activity, traditions, attitude to the family, marriage and education, information on limitations on rights and duties of the members of the community. Other documents demanded by the Law on State Registration of the Juridical Person shall also be submitted with the application." The Article does not indicate by what authority, standards, or competence state officials decide registration applications or appeals against their decisions.

From July 2011 Article 12 was amended to require 50 adults "or their authorised representatives", not 10 adults as previously, to submit a registration application. This particular provision appears to be being applied retrospectively to communities whose applications were submitted before the end of 2009 but have not been processed, as in the case of the Protestant Cathedral of Praise Church.

- Extra reasons to refuse legal status

If state officials do not find enough grounds in the doctrinal tests or documents demanded to refuse registration, Article 12 provides extra grounds for refusal. Among other reasons, state registration may be refused if "the activity or objectives of the religious organisation, or the nature and foundations of its teachings contradict the Constitution and laws", or if "the presented charter (regulation) or other documents contradict the requirements of legislation or the information is wrong".

There is no independent appeal process against official decisions. Article 12 merely states that: "Religious organisations denied state registration shall be informed of the reasons for this, citing relevant legislative provisions".

There is no timescale for officials to make decisions. In stark contrast, only 20 days are allowed by Article 12 for registered religious organisations to notify the state "of any changes to the information or documents required for state registration and submit documents certifying such changes." No definition is given of what constitutes "changes".

- Reasons for banning organisations

Article 12-1 allows officials to apply to a court to ban organisations for, among other reasons:

"propagating a religion and religious lifestyle by using force or threatening to use force, as well as to cause racial, national, religious, social animosities and hostility; the use of force to manifest religious faith; performance or participation in religious ceremonies, or the dissemination and propagation of religions (religious sects) that degrade human dignity or contradict the principles of humanism";

"undermining public order or security";

"inciting people to refuse to execute duties required by the law";

and "not observing the requirements of an executive body on submitting information on changes made in the information or documents necessary for state registration".

- Religious activity restricted to approved venues

Article 12 states that: "The religious organisation can act only at the legal address defined in the information presented for state registration." This appears to indicate that any activity outside such venues is regarded as illegal.

Article 29 requires the State Committee to approve "the suitability of planned new religious prayer sites, and reconstruction of existing religious prayer sites".

Administrative Code Article 196 punishes those who violate procedures for building in towns. From May 2009 a new Article 196.0.3-1 punishes those who build or reconstruct religious buildings without permission from the State Committee.

- Who can lead religious activity?

Article 4-1 of the Religion Law, added in July 2011, defines "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. There are also particular restrictions on who can lead Islamic activity (see below).

Restrictions targeting Muslims exercising religious freedom

Muslims are subject to specific extra restrictions which do not apply to other faiths. All mosques must belong to the Caucasian Muslim Board.

Article 7 of the Religion Law (since July 2011) requires 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.

Article 8 (since July 2011) specifically states: "Islamic religious communities shall be created in mosques by citizens of Azerbaijan." 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.

Article 8 (since July 2009) states: "The appointment of the religious functionaries who lead Islamic places of prayer is by the Caucasian Muslim Board, which informs the relevant organ of executive power."

Article 21 (since July 2009) specifies: "The performance of Islamic religious rituals and ceremonies can be carried out only by citizens of Azerbaijan who have received their education in Azerbaijan."

### **December 2011 changes**

In December 2011 Criminal Code Article 168.1 came into force. This 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 were increased to between 7,000 and 9,000 Manats. (Each 1,000 Manats is equivalent to 7,320 Norwegian Kroner, 970 Euros or 1,275 US Dollars.) The maximum prison term under this Article remained two years.

Also increased at least ten-fold were fines under Article 167 for obstructing others from conducting religious rituals. Other penalties of corrective labour remain unchanged. 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 were increased dramatically. Fines were raised to between 3,000 and 5,000 Manats. For offences against a young person or by an organised group or an official, fines rose to between 7,000 and 9,000 Manats. Terms of imprisonment remained unchanged. The Article was introduced into the Criminal Code in May 2009 (see above).

### **Article 299**

The Religion Law is also backed by Administrative Code Article 299, which 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 legislation on holding religious meetings, marches, and other religious ceremonies".
- Article 299.0.3 punishes "clergy and religious associations holding special religious meetings for children and young people, as well as the holding by religious bodies of literature circles or other specialised groups".
- Article 299.0.4 punishes "religious activity not within a religious association's registered address".
- Article 299.0.5 punishes "activity by a religious association that is not in accordance with its statute". (The community's statute must be approved by the state for state registration to be given.)

The December 2010 fines for all "offences" under Article 299 were raised from those set in 2009:

- for individuals to between 1,500 and 2,000 Manats;
- and for officials to between 7,000 and 8,000 Manats.

These increases are up to 16 times more than the previous penalties. (Each 1,000 Manats is equivalent to 7,320 Norwegian Kroner, 970 Euros or 1,275 US Dollars.)

Unregistered communities facing possible punishment for exercising freedom of religion or belief without state permission include: all Muslim communities outside the control of the state-backed Caucasian Muslim Board; all communities which were not registered in 2009 including most Baptist, Seventh-day Adventist, Jehovah's Witness, and many Protestant communities (see below). Officials insist that those who had registration before the 2009 Religion Law, and whose re-registration applications have not been decided upon, will not face action unless the State Committee goes to court to liquidate them. But, as in Gyanja (see below), some such communities have nevertheless been forced to stop meeting.

### **Article 300**

A harsh censorship regime backed by the Criminal Code and Religion Law is in force (see below). This is backed by Administrative Code Article 300, which punishes "violation of legislation on freedom of religion":

- Article 300.0.1 punishes "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 punishes "distributing religious literature, religious objects and information material without State Committee permission".
- Article 300.0.3 punishes "selling religious literature, religious objects and information material in places not approved by the State Committee for the sale of such religious material".
- Article 300.0.4 punishes "the conduct of religious propaganda by foreigners or stateless persons". If literature is used, this "offence" is to be punished by an unspecified article of the Criminal Code.

The increased December 2011 fines for Article 300 "offences" are:

- for individuals, whether Azeri citizens or foreigners, to between 2,000 and 2,500 Manats;
- for officials to between 8,000 and 9,000 Manats;
- and for organisations to between 20,000 and 25,000 Manats.

These increases are up to 20 times more than the previous penalties. (Each 1,000 Manats is equivalent to 7,320 Norwegian Kroner, 970 Euros or 1,275 US Dollars.)

Those found guilty under Article 300 have their religious literature confiscated. Foreigners or stateless persons involved in "religious propaganda" face deportation. This term includes selling religious books and materials which have not passed the compulsory State Committee censorship, or selling them in venues not approved by the State Committee (see below).

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## **Religious freedom survey, April 2012 (Part II)**

By Felix Corley

Forum 18 News Service (17.04.2012) -

### ***"Insanity is only increasing"***

It remains unclear why Azerbaijan repeatedly amends its laws and increases fines – 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. "Insanity is only increasing," one member of a religious community who asked not to be identified told Forum 18 in November 2011. Another – who also asked not to be identified – agreed: "I don't understand what they are trying to do."

Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, thought that the government may be motivated to increase fines 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", he stated in January 2011.

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."

He also noted that those fined, especially rural residents without access to higher-paid work in Baku, will struggle to pay. "If for example, five members of one rural family were each fined 2,000 Manats, that would make a total of 10,000 Manats (73,000 Norwegian Kroner, 9,700 Euros or 12,700 US Dollars). This would represent the entire value of the family's assets, including their home." The minimum monthly wage rose to 93.50 Manats (685 Norwegian Kroner, 90 Euros, or 119 US Dollars) per month from 1 December 2011.

### ***Censorship***

Azerbaijan runs a highly restrictive censorship regime, breaking the international human rights standards it has formally committed itself to implement. All religious literature printed in and imported into the country must gain specific approval from the State Committee. The State Committee also specifies the number of copies of each named work that may be printed or imported, checks the contents of shops selling religious literature, and has a list of banned religious literature which the Expertise Department – which is responsible for the list – will not make public.

In August 2008 Aliheidar Zulfikarov of the State Committee's Expertise Department vigorously rejected suggestions that the compulsory prior approval required from the Committee for all religious literature was censorship. Asked how he would describe it, he stated that the Committee "merely checks" to see which books were "not appropriate" for distribution.

Also defending the censorship was Zulfikarov's colleague, Jeyhun Mamedov. "We have people who want to promote radical extremism," he told Forum 18 in May 2008. "If we allowed publications freely there'd be anarchy. Books have influence."

### ***Abolished?***

Then President Heidar Aliiev claimed in 1998 that the country had abolished censorship, a claim which Azeri diplomats have also been heard by Forum 18 to make more recently. Censorship of literature violates Azerbaijan's Constitution, yet the Religion Law requires

permission from the State Committee before a religious community can publish, import or distribute any religious literature. Also, Article 22.2 allows religious organisations to sell religious literature only at venues approved by the authorities.

In December 2011 a new Criminal Code Article 167-2, banned: "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". Such "crimes" – including distributing uncensored religious literature – had previously only been punished under Administrative Code Article 299 (see above).

Punishments for first time offenders acting alone under Criminal Code Article 167-2 are a fine of between 5,000 and 7,000 Manats or up to two years' imprisonment. 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.

Article 9.2 of the July 2001 regulation covering the duties of the State Committee clearly spells out its censorship tasks: "Take control of the production, import and distribution of religious literature, items, and other religious informational materials and give its consent on the bases of the appeals of the religious institutions and relevant state bodies in accordance with the established procedure."

### ***The reality of censorship***

Mamedov of the State Committee claimed in May 2008 that copies of sacred books, such as the Koran, and the Jewish and Christian Bibles, are not subject to censorship or restriction. "These can be printed without restriction," he claimed to Forum 18. However, religious minorities have insisted to Forum 18 that they cannot freely print or import such sacred books. Similarly they are also confiscated during police raids, police often insisting that they are "banned".

However, many Muslims have told Forum 18 that publishing Islamic literature is not difficult, and that often printers do not ask to see any approval from the State Committee before they print books or other literature.

Religious minorities though, especially those wanting to publish in Azeri, face difficulties. "If a book is connected with religion, the printer will ask to see permission in writing from the State Committee, including the number of copies they are allowing to be printed," one Protestant told Forum 18. "No printing house will print anything without this approval." Religious minorities expressed frustration to Forum 18 not only about denials of permission, a frequent occurrence, but at the way the State Committee often fails to respond to requests for permission. This has resulted, for example, in Catholics receiving lectionary readings (daily excerpts from the Bible for reading at Mass each day) by e-mail from outside Azerbaijan, rather than importing this information in printed form.

The State Committee Expertise Department's main task is censorship of religious literature which individuals or religious communities want to publish or import into Azerbaijan. Not only does the State Committee give or deny approval for specific publications and even their titles, if it approves them it also specifies the number that it approves. Such numbers are often far below the number sought, members of a variety of religious communities have told Forum 18. In November 2011, State Committee Chair Hidayat Orujev had also revealed that 167 manuscripts had been examined. He attributed the growing number of books his Committee had to check to the increased border controls to prevent the import of uncensored books.

### ***Postal censorship***

Azerbaijan also imposes a strict censorship regime on literature sent by post – owing to which many religious communities have stopped using the postal system as a way to receive literature. All incoming postal parcels are sent to the International Post Office in Baku, regardless of where the intended recipient lives in Azerbaijan. Wherever they live in the country, the intended recipient has to go – in person - to the International Post Office in Baku.

The intended recipient then has to collect one copy of each title posted to them and - in person - take it to the State Committee. When and if the State Committee grants or withholds permission to receive the title, the intended recipient then has to – once again in person - collect a letter from the State Committee and take it back to the International Post Office. If the State Committee has granted permission, the intended recipient will at last receive the literature they have been sent.

Many members of religious communities have complained of the extraordinary effort needed to try to extract even a handful of books that should rightfully be theirs, which often ends in failure. One Baku-based Muslim complained to Forum 18 in April 2012 that it took about a month to get a parcel of books containing religious books sent from abroad, though another parcel from abroad containing religious books had been delivered uncensored.

### ***Censorship at the borders***

Religious literature is also often confiscated from those crossing into Azerbaijan, and is occasionally confiscated also from those leaving the country. No mention is made in Azerbaijan's laws – such as the Religion Law, or the Regulations of the State Committee for Work with Religious Organisations - of censorship of religious literature taken out of the country. Customs regulations are also silent on this point.

Religious books – Muslim, Christian, Jehovah's Witness, Hare Krishna or of other faiths - are frequently seized by the State Customs Committee from travellers entering Azerbaijan through land or sea borders. Seizures also sometimes occur at Baku airport. Confiscated Christian books have on occasion been handed to Azerbaijan's Russian Orthodox diocese, even though many of the books may have been confiscated from people who are not Russian Orthodox. Literature confiscated has included personal copies of the Koran and the Bible.

Some religious communities, such as the Georgian Orthodox Church, have had limited success in appealing directly to the State Committee to allow small quantities of religious literature into the country. Jehovah's Witnesses have repeatedly tried through the courts – even up to the Supreme Court and the Constitutional Court - to challenge the State Committee's right in law to censor religious literature. They have also tried to challenge the State Committee's rejection of some of their literature import applications or reduction in the numbers of copies of a work they are authorised to import. However, they have failed.

### ***Bookshop and photocopy shop censorship***

Justifying the restrictions on where religious literature could be sold, Expertise Department head Mamedov claimed in 2009 that sometimes religious literature was being sold in shops selling alcoholic drinks, tobacco, food, clothes, building material and in underground passageways. The compulsory licensing before religious books can be sold is not uniformly applied across the country. Some general bookshops, street traders and places of worship sell religious titles apparently without the necessary permission. However, some local people noted to Forum 18 that this leaves them vulnerable to officials seeking bribes to turn a blind eye to evasion of the regulations.



State Committee delays in processing licences to sell religious literature, as well as approvals of the titles and quantities to be sold, appear common. One such trader in Baku told Forum 18 in April 2011 that they have been waiting for more than one year for the State Committee to respond to their application. Ilgar Ibrahimoglu Allaverdiev, head of the Devamm Muslim religious freedom organisation, noted that traders were reluctant to make official complaints in writing, fearing state reprisals, and preferred to complain verbally.

Religious minorities have also told Forum 18 that some photocopy shops refuse to copy their literature. "If it's 50 or so copies many won't accept it, either because they are Muslims or because they are afraid of the police," one Protestant told Forum 18 in February 2009. "Please don't do it here – it's dangerous, they say."

The State Committee pro-actively searches for shops breaking the censorship regulations. For example, in February 2010 the southern representative of the State Committee, Miryahya Badirov, conducted a check of 16 shops selling religious books in seven southern districts bordering Iran, complaining that none had applied for a licence. Vendors in the Baku Metro told Vesti.az news agency in early April 2012 that the head of the metro, Tagi Ahmedov, had ordered them to remove all religious books and other items from sale. State Committee officials backed up the ban several days later, pointing out the legal requirement to have a special licence to sell any religious items.

### ***Registration***

Without state registration individual religious communities cannot legally exist or exercise freedom of religion or belief. Police and the National Security Ministry (NSM) secret police have raided many religious communities that have chosen not to register, or have tried to register but have been refused. Azerbaijan completely ignores the fact that requiring registration to exercise freedom of religion or belief and other human rights is against international human rights standards.

Selective denial of legal status also affects NGOs whose activity is linked to religion (including campaigning for religious freedom or discussing religious themes). For example, the International Religious Liberty Association (IRLA) and Devamm are among such organisations denied registration by the Justice Ministry. By contrast, Idrak, a Baku-based organisation which notes on its website its closeness to the State Committee and has published a book on religion in Azerbaijan by State Committee Chair Orujev, was registered with the Justice Ministry shortly after its establishment in September 2006.

### ***"Without registration you can't pray"***

The experience of the Baptist Church in Neftechala in south east Azerbaijan is typical of many communities without registration. 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. Following passage of the 2009 Religion Law, the Church applied once again for registration. This was rejected.

While meeting for worship the police raided the Church in December 2011, church members being summoned for police questioning on 23 December, after threats of criminal prosecution were made. The authorities declared the Church "closed" and confiscated all the books they could find. 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.

The State Committee for Work with Religious Organisations official responsible for the area, who took part in the raid and would not give his last name, insisted to Forum 18: "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." Aliev was subsequently fined under Administrative Code Article 299.0.4, which punishes religious activity at an address other than a religious organisation's registered address. Pastor Aliev told the Judge he did not consider himself guilty of breaking the law and would not sign the document or pay the fine.

Raids on those exercising freedom of religion or belief without state permission individually also continue. For example, on 16 March 2012 Sheki [Shäki] District Police raided the home of Yashar Aliyev in Turan, a village 50 kms (30 miles) from Sheki in northern Azerbaijan. About 10 police officers took part in the raid, fellow Muslims who read Nursi's works – who asked not to be identified for fear of state reprisals - told Forum 18. The confiscated books were mainly copies of Nursi's collection of sermons Risale-i Nur (Messages of Light). Police read out the court order sanctioning the search, but would not give a copy.

No prosecution has yet followed, but the books were sent to the State Committee for an "expert analysis".

Registration applications need prior approval from local authorities before they even reach the State Committee, giving much scope to stop communities registering. For many years the former State Notary in Zakatala, Najiba Mamedova, refused, with no legal basis, to notarise the signatures of the founders of a Baptist congregation in nearby Aliabad. The church began applying for registration in 1994, making it the religious community denied registration for the longest period. Two Aliabad Baptist congregations finally managed to get approval from the new State Notary and the local authorities in early 2011 and submitted their applications to the State Committee. However, the State Committee rejected them as containing unspecified "violations". Church members are trying to prepare new applications in 2012.

### ***Arbitrary statute restrictions***

Many religious communities have complained to Forum 18 that, when they try to register, the State Committee has imposed on them a model statute. The text of the statute, which Forum 18 has seen, reinforces restrictions included in the Religion Law, as well as using unclear formulations giving scope for arbitrary official actions. Most controversial are the territorial restrictions imposed via the model statute, which reinforce provisions in the Religion Law. Article 1.1 of the "model statute" states that the community is founded for religious activity "on its own property", while Article 1.11 includes the bald statement: "The territory of activity: The community can only function on the territory of its own legal address." The model statute specifies that the community will inform the State Committee when it gives religious education to its young people and adults.

Several Protestant Churches complained that State Committee officials objected to provisions in their proposed charters over inviting foreign fellow-believers to visit communities for religious purposes and over including children in religious activity. "Officials refused to allow us to include these, but we are going to try to fight for them," one told Forum 18.

One community which refused to accept the model statute was the Baha'i community, which has a national centre and a community each in Baku and Sumgait. "They told us to change our current statute to conform to the new Law and we complied," one Baha'i told Forum 18 in December 2009. "Whatever you write in the statute is meaningless anyway, because the Religion Law takes precedence."

Not all non-Muslim communities were given the model statute. State Committee officials told the Catholic Church in Baku that its statute had to conform to the new Religion Law, but did not impose the model statute. Although the Church lodged its application in December 2009, legal status was not granted until after an agreement between Azerbaijan and the Holy See came into force in July 2011. 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 still require visas and work permits.

### ***Arbitrary hostility***

Many 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."

### ***Appeal to courts***

Two religious communities who applied for registration in 2009 – the Jehovah's Witnesses and the Baku-based Cathedral of Praise Pentecostal Church – lodged suits in court challenging what they regard as unjust and arbitrary registration denials. On 1 February 2012 the Jehovah's Witness finally lost their case in the Supreme Court and are preparing to take their case to the European Court of Human Rights (ECtHR) in Strasbourg.

By contrast, Cathedral of Praise on 20 February 2012 finally won its case in the Supreme Court. It instructed the Appeal Court to instruct the State Committee to register the community. No such instruction has yet been issued.

Other religious communities have 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.

### ***Who has acquired legal status?***

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 almost all Protestant denominations (including Baptists, Seventh-day Adventists and Pentecostals), as well as Jehovah's Witnesses. The Protestant churches allowed to re-register are Baku's Erlösergemeinde Lutheran community, three Molokan communities in Baku, Sumgait and Hilmilli, as well as New Life Church in Baku.

About 2,000 religious communities are thought to currently function in some form, of which 406 had registration with the Ministry of Justice before the State Committee was set up in 2001. As of 17 April 2012, 570 religious communities are listed as registered on the State Committee website. In 2011 the State Committee only registered a further 60 of the religious communities which lodged registration or re-registration applications in

2009. None have been added to the published list since 21 November 2011.

The State Committee insisted to Forum 18 in April 2012 that "All religious communities' re-registration applications have been attended to. A small proportion of them have not yet undergone re-registration because their documents contain several defects, of which they have been informed."

Some religious communities have found that compulsory re-registration has meant de-registration. For example, the Baptist Union had 10 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, Sumgait and Gyanja. Now it has no registered congregations.

### ***First "legal" liquidation?***

The State Committee in December 2011 started moves to close down Greater Grace Church in Baku for failing to regain the compulsory re-registration. This is thought to be the first attempt to compulsorily close a religious community through the courts since compulsory re-registration was imposed by the 2009 Religion Law. If successful the Church – which registered with the Justice Ministry in April 1993 – would lose the legal right to exist. Church members have noted numerous procedural violations in the conduct of the case, which may be decided as early as 19 April 2012.

### ***Places of worship***

As well as preventing religious communities from meeting for worship, Azerbaijan also closes buildings used for this. These have mainly been mosques, most of the mosques closed or demolished by the authorities since 2009 having been Sunni. 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 Milli Mejlis in Baku (built in the 1990s by Turkey's Diyanet, like Nakhichevan's Juma Mosque – see below) and Baku's Abu Bekr Mosque. The Abu-Bekr Mosque was hit by a grenade attack on 17 August 2008 that killed three people, also injuring the imam Gamet Suleymanov. He has insisted that it should be reopened for worship as soon as possible. Police officers of both the 8th and the 9th Police Stations in Baku's Sabail District forcibly shaved off the beards of 20 men in his congregation, Imam Suleymanov said on 26 August 2008. Forum 18 has independently heard complaints about the forced shaving, which the police refused to explain.

The state has refused to re-open the mosque and after court ruling in 2009 that the Mosque should be allowed to reopen was overturned. After this, Suleymanov said, the community lodged a complaint to the United Nations Human Rights Committee. The Committee has sought and received further documentation backing up the complaint, but has not yet issued a ruling. A case against the Azerbaijani government to the European Court of Human Rights (Application No. 16599/09) over its failure to recognise anyone as victims of the 2008 attack. The Court registered the case on 13 March 2009, but no admissibility decision has yet been taken.

Members of the only Sunni mosque in Gyanja, known as the Albanian Mosque, in the city's Shahsevenler district, have seen "no movement" in their campaign to achieve its reopening, community member Vidadi Abbasov told Forum 18 from the city in April 2012. "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. Abbasov told Forum 18

that the Mosque building – which the community had restored over many years - was turned into a library.

Mosque members are now forced to pray in groups of no more than five people in private homes, though under often close police surveillance. Police forced one group of former mosque members to sign statements in summer 2011 that they would stop meeting for joint prayers. Another group – which met in Abbasov's home – was raided by police in November 2011. All twelve present for Friday prayers were taken to the police station and forced to sign similar statements. A court handed Abbasov an official warning.

Rufat Nuriev, head of the Cultural Heritage Department at the Culture Ministry in Baku, defended the confiscation of the mosque. "The building was used illegally for religious purposes in the 1990s," he insisted to Forum 18 in April 2011. "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.

Also in Gyanja, riot police have been used to stop Protestants worshipping. They are among three religious communities in the city banned in March 2011 from meeting for worship.

### ***Ban on praying outside mosques***

In August 2008 a "temporary" ban on praying outside all mosques in the country was imposed, whose text has apparently never been made public. At Friday prayers on 29 August 2008, several days before the start of the Muslim fasting month of Ramadan, police prevented worshippers from praying outside several Baku mosques, including the Shehidler Mosque (commonly known as the Turkish Mosque) near the Milli Mejlis building, and the Lezgin Mosque in Baku's Old City. Only afterwards was the fact of the ban communicated through the media. It remains unclear how long the ban will last. "With the rise in the number of Muslims performing the namaz [Islamic prayers] the numbers who cannot fit inside mosques and have to pray outside has been rising in Baku," a Muslim who preferred not to be identified told Forum 18.

Zeynalov of the Human Rights Centre of Azerbaijan told Forum 18 in April 2012 that the ban on praying outside mosques appears still to be in force. "You no longer see the crowds around mosques at Friday prayers." He points out that officials try to avoid issuing such bans in their own name, preferring to have the Muslim Board issue them instead.

### ***Communities denied use of their places of worship***

Orthodox Christians from among the ethnic Georgian population in the north-western Gakh Region, which borders Georgia, are also banned from meeting in their own places of worship. The Georgian Orthodox Church would like to fully reopen four churches in the region, and establish a monastery. In recent years the authorities have restricted worship to no more than 30 minutes in only three of the churches. "But our services need at least an hour and a half," Bishop Sergi Chekurishvili of Nekrisi, whose diocese in eastern Georgia includes the churches and has often visited the Region, told Forum 18 in January 2009. He fears that many Georgian Orthodox are deprived of the sacraments, and can die without access to communion. As of April 2012, two Georgian Orthodox communities have state registration.

Other religious communities – such as the Baptists in Baku – are also seeking the return of their historic places of worship.

### ***Closures continue***

Such closures of places where people meet for worship continue, and extend even to places without much public visibility. In mid-January 2012 a group of Muslims who used a room for prayers in a building in Baku's Yasamal District owned by the Society for the Deaf, a non-governmental organisation, had to close the prayer room. The State Committee accused the Society of allowing the Huseiniya prayer room to function without state registration, State Committee officials told the local media in mid-January. An official of the Society said those who rented the building told those using the prayer room that they had to stop using it until they gain registration. "It's not a bad thing if people pray – indeed it's good. But they need registration. The government doesn't like it otherwise", they told Forum 18.

### ***Conscientious objection***

Azerbaijan marked the tenth anniversary of its accession to the Council of Europe by rejecting a prisoner of conscience's appeal against his conviction. Ahead of its accession in January 2001, 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".

On 25 January 2011 the Supreme Court rejected Jehovah's Witness conscientious objector Farid Mammedov's appeal against his nine month jail term, which he completed in June 2011. He is now preparing a case at the European Court of Human Rights. Less than a month beforehand, the Supreme Court also rejected the final appeal against a fine imposed for conscientious objection from fellow Jehovah's Witness Mushfiq Mammedov (no relation of Farid). He and a former Jehovah's Witness prisoner of conscience, conscientious objector Samir Huseynov, lodged a joint application (No. 14604/08) on 7 March 2008 to the ECtHR. "This application is pending before the Court and no date has yet been fixed for its examination," an ECtHR spokesperson told Forum 18.

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". But Criminal Code Article 321.1 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]". A similar but not identical "offence" is the June 2009 Article 4 of the Religion Law (see above), which punishes "refusing or declining to fulfil obligations determined by the law for his/her religious beliefs".

### ***Deportations***

Religion Law Article 1 and Administrative Code Article 300 break international human rights agreements by banning undefined "religious propaganda by foreigners and stateless persons" (see above). Among those deported for exercising their freedom of religion or belief in recent years – which include Muslims, Protestants and Jehovah's Witnesses – have been a number of long-term residents who like many in the former Soviet states hold foreign passports. For example, 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.

### ***Nakhichevan***

The situation in the Nakhichevan exclave is worse than in the rest of the country. Muslim communities are under strict control, and the known non-Muslim communities of Baha'is, a small Adventist congregation and a Hare Krishna community have been banned.

The authorities in Nakhichevan warned employees of state enterprises and students not to attend mosques during Ashura in December 2009, and prevented people from entering mosques, local human rights defender Malahat Nasibova told Forum 18. The day after the Ashura commemorations many Muslims were detained, including some in a psychiatric hospital. It is not clear if this was official punishment for their Ashura commemoration or to prevent potential opposition.

In May 2010 four Muslim readers of Nursi's works were held for three days without trial by Nakhichevan's NSM secret police. "There was no administrative trial - they were just held there," Muslims complained to Forum 18. No officials, whether in Nakhichevan or in Baku, were prepared to explain why the four Muslims were held without trial. The NSM denied the incident, claiming that they "didn't arrest anyone for reading books. That would be absurd." Trouble began for the Nursi readers when one of them was arrested at Nakhichevan airport after Nursi literature was found on him. Five other local Nursi readers were then arrested at home, and eventually late at night two of them were freed. The remaining four were held in the NSM cellars for three days, a Nursi reader told Forum 18. Like Baha'is and Adventists, Nursi readers have also told Forum 18 that a number of them have left Nakhichevan, to live in other parts of Azerbaijan where pressure on them is not so intense.

After the one Turkish-funded imam left Nakhichevan in February 2011, the city's Sunni Juma Mosque was taken over by the Shia community. This left local Sunni Muslims nowhere to pray in the way they wish. While it was still open, those who attended the Juma Mosque were under close state scrutiny.

### **The future?**

Azerbaijan systematically violates intertwined fundamental rights - such as freedom of religion or belief, of expression and of assembly - it has solemnly undertaken to respect and defend, while loudly proclaiming the governments alleged "religious tolerance". In recent years legislation has been repeatedly changed to harshen the penalties for peacefully exercising the right to freedom of religion or belief. These repeated changes, often with little notice or chance for public discussion, make it likely that the government intends to continue introducing and implementing legislation which violates human rights. Azerbaijan is likely to remain a place where fundamental human rights are violated with impunity, and the state tries to make exercising human rights conditional upon state permission.

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## **Judge "has already decided in her own mind to liquidate us"?**

By Felix Corley

Forum 18 News Service (13.04.2012) - A court in Azerbaijan's capital Baku is likely to decide on 19 April whether Greater Grace Protestant Church should be liquidated, a court official told Forum 18 News Service after the latest hearing on 12 April. If the court upholds the liquidation suit lodged by the State Committee for Work with Religious Organisations, all the Church's communal activity will become illegal. "The conduct of the Judge during the hearing testifies that she has already decided in her own mind to liquidate us", church members complained to Forum 18. They note that the Judge has acted with the State Committee in trying to dismiss the Church's defence arguments. The authorities have already closed down Muslim mosques they do not like - mostly Sunni mosques. Police and the courts have raided and warned Muslims who continued to

worship in private homes. Also, a "temporary" ban on Muslims praying outside mosques, imposed in 2008, is still being enforced. No text of the ban appears to have ever been made public.

A court in Azerbaijan's capital Baku is likely to decide on 19 April whether Greater Grace Protestant Church – which has had state registration for 19 years – should be liquidated, a court official told Forum 18 News Service after the latest hearing on 12 April. If the court upholds the liquidation suit lodged by the State Committee for Work with Religious Organisations, all the Church's communal activity will become illegal. "The conduct of the Judge during the hearing testifies that she has already decided in her own mind to liquidate us, and is looking for an excuse and possible formulation of the reason for such a decision," church members complained to Forum 18. The authorities have already closed down Muslim mosques they do not like – most of them Sunni. After the closure of the only Sunni mosque in the country's second city Gyanja [Gäncä], police and the courts have raided and warned community members who continued to worship in private homes.

In defiance of its international human rights commitments, Azerbaijan has banned all exercise of freedom of religion or belief without state permission, imposing heavy penalties for this. The State Committee has failed to register hundreds of religious communities which applied for the compulsory re-registration required by harsh amendments to the Religion Law in 2009. As of 13 April 2012, only 570 religious communities are listed as registered on the State Committee website. None have been added to the published list since 21 November 2011.

Two religious communities have challenged in court as arbitrary and unjust the State Committee's refusal to re-register them. Baku's Jehovah's Witness community finally lost in the Supreme Court in February 2012, and is preparing a case to the European Court of Human Rights (ECtHR) in Strasbourg. Baku's Protestant Cathedral of Praise Church finally won in the Supreme Court the same month. It is hoping it will now get re-registration.

Saleh Aslanov, spokesperson for the State Committee, has told Forum 18 on many occasions that the Committee does not answer questions by telephone. He told Forum 18 on 13 April that he had replied in writing on 9 April to Forum 18's earlier questions, though Forum 18 did not receive them. Forum 18 asked him to resend the responses.

### ***Liquidation suit***

Judge Tahira Asadova presided over the latest hearing of the State Committee suit to liquidate Greater Grace Church at Baku's Administrative Economic Court No. 1 on the afternoon of 12 April. After a 25-minute hearing, the Judge adjourned the case until 19 April, her assistant, who did not give his name, told Forum 18 immediately after the hearing. He said Judge Asadova is likely to hand down her decision at the next hearing. He added that an observer from the Office in Baku of the Organisation for Security and Co-operation in Europe (OSCE) was present to monitor the hearing.

The State Committee lodged the suit to liquidate Greater Grace Church in December 2011. This is the first such suit it is known to have lodged against any religious community since the harsh new 2009 Religion Law required re-registration of all communities.

The State Committee argued that Greater Grace Church had to be liquidated as it had not undergone the compulsory re-registration with the State Committee. The first hearing was held on 15 March 2012, with a subsequent hearing on 29 March. The Church insists that one state agency – in this case the State Committee – cannot seek the liquidation of legal status granted by another – in this case the Justice Ministry, which registered the Church in April 1993. The Church insists it has never broken the law, but



the State Committee told the Court it has "secret documents" – which it refused to reveal – testifying to violations.

At the 12 April hearing, the State Committee's lawyer repeated earlier accusations that the Church had failed to re-register with the State Committee after it was formed in 2001, church members told Forum 18 after the hearing. Judge Asadova also intervened to accuse the church of failing to bring its registered Statute into line with successive changes to the Religion Law. The church argued that its statute is in line with the current Law.

"In response to this, the Judge and the State Committee representative started to search through our statute to find inconsistencies with the new amendments to the Religion Law," church members told Forum 18. "These actions testify clearly to the Judge's bias in considering this question and we raised a protest, as such actions fall outside the framework of the State Committee's suit." However, the Judge rejected the protest.

The Judge and the State Committee representative claimed that the Statute should have declared that the Church can only function in its office, and that the Statute should describe the Church not as an "organisation" but as a "religious group". The Church insisted that the Court can only liquidate it if it has violated the Religion Law "and no basis for this exists".

Judge Asadova proposed that the Church's registration be liquidated and the Church re-register. But the Church rejected this, arguing that no legal basis for this existed. "Moreover, the State Committee systematically rejects the registration of other churches, and there is no guarantee that – once our registration is liquidated – it will register us in future," church members complained to Forum 18.

### ***Re-registration denial suit fails in court***

Of the two religious communities known to have legally challenged the State Committee's denial of re-registration, the Jehovah's Witness suit was lodged first. Baku's Jehovah's Witness community was first registered in December 1999 and gained the compulsory re-registration in February 2002. It applied for the further mandatory re-registration in November 2009, but the State Committee rejected the re-registration application in February 2010, after which the community went to court.

Sabail District Court – the local Baku court for the State Committee where such suits are initially heard – rejected the Jehovah's Witness suit on 16 July 2010. Its first appeal to Baku Appeal Court was rejected on 6 January 2011. The Supreme Court on 24 May 2011 annulled the Appeal Court decision and asked it to rehear the case. The Appeal Court again rejected the Jehovah's Witness suit on 12 September 2011.

Jehovah's Witnesses again took their case to the Supreme Court, but on 1 February 2012 finally lost the case. Jehovah's Witnesses told Forum 18 on 12 April that, now they have exhausted all possible legal remedies in Azerbaijan, they are preparing to take their case to the European Court of Human Rights (ECtHR) in Strasbourg. Azerbaijan is subject to the Court's jurisdiction as a member of the Council of Europe.

### ***Re-registration denial suit upheld – but no registration yet***

By contrast, Cathedral of Praise – a Baku church linked to the Word of Life Pentecostal Church in Sweden – ultimately won its case against the State Committee through the courts. It had initially been registered by the State Committee in 2002. Like many other religious communities it had lodged its re-registration application in autumn 2009. However, the State Committee had rejected it in writing on 19 February 2010.

Cathedral of Praise had lost its first suit in Sabail District Court on 30 July 2010, and at Baku Appeal Court on 13 December 2010. However, on 12 May 2011 the Supreme Court overturned the December 2010 decision and sent the case for a new hearing at the Appeal Court. On 27 July 2011, Baku Appeal Court upheld the Church's suit, declaring the February 2010 State Committee rejection unlawful and obliging it to re-register the Church.

After the Church won its suit at the second Appeal Court hearing, the State Committee challenged the ruling. However, on 20 February 2012 a panel of three Judges at the Supreme Court – in a final decision seen by Forum 18 – found in favour of the Church which received the written decision on 23 March. The Court rejected the argument from the State Committee's lawyer Akif Aliev that the Church had failed to inform the State Committee within the required 20 days of the changes in the list of founders, and that therefore the Church should not be re-registered.

The Supreme Court then instructed the Appeal Court to instruct the State Committee to register the community. Church members told Forum 18 on 12 April that they hope this will overcome their long-running re-registration denial.

### ***Registration rejections***

Among the many religious communities whose registration applications have been rejected since the harsh 2009 Religion Law are two Baptist churches in the small town of Aliabad in Zakatala [Zaqatala] Region of north-western Azerbaijan. One of the two churches began seeking state registration in 1994 and is believed to hold the record for the religious community in Azerbaijan which has been seeking legal status in vain for the longest time.

Up till 2009, the two churches could not even lodge formal registration applications, because the then State Notary in Zakatala, who had to notarise the signatures of the churches' founders on the applications, refused to do so because she did not like them.

However, after she was replaced in early 2011, the new State Notary and the local authorities approved the two applications, which were then sent to the State Committee in Baku, church members told Forum 18 from Aliabad on 11 April. "We were warned not to lodge the applications, but even though we did so we have not faced reprisals," one church member noted. "We have not been raided since we lodged the applications."

However, the State Committee rejected both applications in writing in 2011. "We are trying to lodge the applications again, though this is now harder as each community needs 50 adult citizen founders with the change in the Law," one church member added.

The Baptist Union – to which the Aliabad congregations belong – had 10 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 Gyanja.

As well as the two Aliabad congregations, five other Baptist Union congregations applied for re-registration or registration: two in Baku, one in Sumgait, one in Gyanja and one in Neftechala. All seven applications were rejected. "In none of the seven rejection letters did the State Committee tell us specifically what was wrong with the applications," the head of the Baptist Union Ilya Zenchenko complained to Forum 18.

### ***Praying leads to warnings***

Members of the only Sunni mosque in Gyanja, known as the Albanian Mosque, in the city's Shahsevenler district, have seen "no movement" in their campaign to achieve its reopening, community member Vidadi Abbasov told Forum 18 from the city on 11 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, just days before the start of Ramadan. Abbasov told Forum 18 that the Mosque building – which the community had restored over many years - was turned into a library.

Mosque members are now forced to pray in groups of no more than five people in private homes, though under often close police surveillance. Police forced one group of former mosque members to sign statements in summer 2011 that they would stop meeting for joint prayers.

Another group – which met in Abbasov's home – was raided by police in November 2011. All twelve present for Friday prayers were taken to the police station and forced to sign similar statements. Abbasov was then taken to the city's Nizami District Police where he faced a possible large fine or imprisonment of up to 15 days for leading unregistered worship, he told Forum 18. He said only the intervention of local State Committee official Firdovsi Kerimov prevented him from being fined or imprisoned.

Abbasov was instead given an official warning. Muslim prayer books which had been seized from him were later returned after they had been "checked" that they contained nothing illegal, he told Forum 18.

The man who answered Kerimov's phone on 12 April put the phone down as soon as Forum 18 introduced itself.

Gyanja has been a particularly difficult place for religious communities to operate. State Committee representative Kerimov ordered three religious communities which did not have legal status to close in March 2011. 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.

Elsewhere, Muslims who read the works of the late Turkish theologian Said Nursi are regularly subjected to raids on their meetings and receive official warnings. Two such raids are known to have occurred in March, with confiscation of their books.

### ***Street praying still banned?***

A "temporary" ban on praying outside mosques was imposed in 2008 but is still being enforced. The text of the ban does not seem to have ever been made public (see F18News 17 October 2008 [http://www.forum18.org/Archive.php?article\\_id=1205](http://www.forum18.org/Archive.php?article_id=1205)).

Eldar Zeynalov, head of the Human Rights Centre of Azerbaijan, says that the ban appears still to be in force. "You no longer see the crowds around mosques at Friday prayers," he told Forum 18 from Baku on 10 April. He points out that officials try to avoid issuing such bans in their own name, preferring to have the state-backed Caucasian Muslim Board issue them instead.

During the Muslim commemoration of Ashura, marked by Shia Muslims as a day of mourning, the authorities are particularly nervous about processions through the streets and large-scale gatherings in mosques. Numerous press reports at Ashura in early December 2011 noted police intervention at mosques to prevent large numbers of Muslims from gathering, including at the Fatima Zahra mosque in Baku, mosques in villages around Baku and in Yevlakh in western Azerbaijan.

"Today in many parts of Azerbaijan, including in [the southern town of] Lenkoran, violence continues to be used against clergy who wish to hold mourning rites for Ashura," complained a letter to Sheikh Allahshukur Pashazade, head of the Muslim Board, from ethnic Talysh imams in southern Azerbaijan. They noted that mourning processions "are banned or obstructed".

The letter, of which extracts were published by the opposition Yeni Musavat newspaper and other media on 13 December 2011, deplored what the authors regarded as Pashazade's failure to take up the issue and called for the Muslim Board to be replaced. "You remained silent when mosques were destroyed, as well as over problems connected with the hijab [headscarf]."

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## **12 April liquidation for Baku Church?**

By Felix Corley

Forum 18 News Service (30.03.12) - Nearly nineteen years after gaining state registration with Azerbaijan's Justice Ministry and despite no complaints about its conduct, the Protestant Greater Grace Church in the Azerbaijani capital Baku could be liquidated within two weeks, Forum 18 News Service has learnt. The Judge hearing the liquidation suit lodged by the State Committee for Work with Religious Organisations is to give her decision on the afternoon of 12 April when the case resumes, her assistant told Forum 18 from the court on 30 March. If the Judge rules to liquidate the church, all its activity will become illegal and its members will be liable to prosecution. Meanwhile, in the second such known incident in March, police have raided a further group of Muslims who read the works of the late Turkish Muslim theologian Said Nursi, confiscating books.

The suit to liquidate Greater Grace Church is thought to be the first attempt to compulsorily close a religious community through the courts since the latest round of compulsory re-registration was imposed by the harsh 2009 Religion Law.

Once again, Saleh Aslanov, spokesperson for the State Committee, declined to answer any questions, either about the Committee's attempt to deprive Greater Grace Church of its legal status, the "expert analysis" its officials are undertaking on the confiscated books by Nursi or anything else. "So many times I've explained to you that we don't answer enquiries by telephone," he told Forum 18 from Baku on 30 March.

Asked why he had not answered Forum 18's questions sent in writing on 13 March, Aslanov responded that Forum 18 had sent "more than twenty questions". "No official could answer those even within one hour."

### ***Liquidation decision due 12 April***

The State Committee lodged the suit to liquidate Greater Grace Church in December 2011, arguing that it had to be liquidated as it had not undergone the compulsory re-registration with the State Committee. The first hearing was held on 15 March 2012 under Judge Tahira Asadova at Baku's Administrative Economic Court No. 1.

The second hearing in the suit took place late in the afternoon on 29 March and lasted about half an hour, the Judge's assistant Sevinj Ahmedova told Forum 18. She said the next hearing, at 4 pm on 12 April, will be when Judge Asadova hands down her decision.

A monitor from the Office in Baku of the Organisation for Security and Co-operation in Europe (OSCE) also attended the hearing, taking notes. The OSCE had also monitored the 15 March hearing.

### ***Church responds to accusations***

At the 29 March hearing, Sabina Allahverdieva of the State Committee's Legal and Registration Department – who had prepared the December 2011 suit – accused Greater Grace of failing to gain re-registration with the new State Committee after it was formed in 2001. The Church's lawyer, Chingiz Zeynalov, countered that all the documentation on registered religious communities was handed to the State Committee when it was founded. He said the State Committee could have registered Greater Grace Church had it wished to, church members told Forum 18 on 30 March.

The lawyer pointed out that the Church was registered with the Justice Ministry in accordance with the law, eight years before the State Committee was founded, adding that the law does not have retroactive force. The lawyer also pointed out that in eleven years of the State Committee's existence, not once had the Church received any request from it to change its legally-registered Statute or warning that it was violating the law.

Allahverdieva was only able to produce one letter from the State Committee to the Church – a 2002 letter inviting Church representatives to visit the State Committee. "Just one letter in eleven years of the State Committee's existence is a perfect illustration of its inactivity," church members told Forum 18.

Allahverdieva said that the Church's leaders were invited to the State Committee in January 2011 to be told that the period for lodging re-registration applications had expired at the end of 2009, and that the Church therefore no longer had the right to registration with the State Committee. Asked by Judge Asadova if the State Committee had written to the Church to warn it, Allahverdieva responded that there was no need as the Religion Law was published and the State Committee therefore did not need to do so.

The Church's lawyer blamed the State Committee for telling the Church of the requirement to re-register only when the deadline had expired. He pointed out that Article 7 of the State Committee's Statute obliges it to help religious organisations in gaining registration.

Allahverdieva told the Court that in January 2011 she had suggested to the Church that it liquidate itself. The lawyer countered that the State Committee has no right to interfere in a religious community's internal life and order it to liquidate itself – this was a decision for the organisation's members. "Such pressure from the State Committee is a perfect illustration that it had put illegal pressure on the Church in its attempt to gain its liquidation," church members told Forum 18.

The Church's lawyer reminded the Court that the reasons allowed for liquidation of a religious organisation under Article 12-1 of the 2009 Religion Law are clear, and include violations of national security, public order, harming the health or morals of others, and violating the rights and freedoms of others. "The lawyer told the Court that in all the years of its activity, the Church never violated these laws," church members told Forum 18. "Confirmation of this is that neither the State Committee nor other state organs have accused the Church of any violations."

Lawyer Zeynalov added that the law gives no basis for one state body – in this case the State Committee – to liquidate the registration given by another – in this case the Justice Ministry, which granted registration in April 1993.

The Church's lawyer also accused the State Committee of violating Article 48 of Azerbaijan's Constitution and the 2009 Religion Law, both of which affirm the right to freedom of religion or belief. He asked the Court to oblige the State Committee to act in accordance with these obligations and not to obstruct religious believers in their constitutional right to religious freedom.

Allahverdieva of the State Committee then told Judge Asadova that she has "secret documents" on the Church's violations. Asked what these documents are, Allahverdieva responded that they are secret and cannot be revealed. "The plaintiff's actions are at the very least incomprehensible and contradict the current law on the openness of the judicial process," church members complain. "They also remind us of the actions of the Soviet-era secret police when, on the basis of 'secret information', religious believers were simply executed."

### ***State Committee's re-registration record***

Even had the Greater Grace Church lodged its re-registration application with the State Committee by the deadline of the end of 2009 in accordance with the terms of the 2009 Religion Law, it seems doubtful it would have received it.

Only two Protestant Churches – New Life and the Lutheran congregation, both in Baku – have had their 2009 applications accepted. Dozens of other Protestant congregations – including Baptist, Seventh-day Adventist and Pentecostal congregations – as well as hundreds of mosques, and several Jehovah's Witness communities, have seen no progress in their applications, more than two years after the deadline expired.

The State Committee is not known to have registered or re-registered any religious communities in the more than four months since 21 November 2011, when 27 communities were added to the list published on the State Committee website.

### ***Police raid***

On 16 March, Police from the northern Sheki [Şəki] District raided the home of Yashar Aliyev in Turan, a village 50 kms (30 miles) from Sheki, the Interior Ministry noted on its website the same day. It said that as a result of "operational-search measures" on a "non-traditional religious group" (which it did not identify), a large number of books and magazines, as well as three discs were seized.

About ten police officers took part in the raid, fellow Muslims who read Nursi's works – who asked not to be identified for fear of state reprisals – told Forum 18 on 18 March. They say the confiscated books were mainly copies of Nursi's collection of sermons *Risale-i Nur* (Messages of Light). They say police read out the court order sanctioning the search, but would not give a copy.

No prosecution has followed, but the books were sent to the State Committee for an "expert analysis".

Officers of Sheki District Police told Forum 18 on 30 March that they knew nothing about the raid and literature confiscation. They referred all enquiries to the Police in Turan.

Abulfaz Amirov, the head of Turan Police, told Forum 18 the same day he had been on holiday for almost all of March and knew nothing about the raid. He acknowledged that such confiscations of religious literature take place in his area, "though only when they are illegal books".

Amirov declined to explain what constitute "illegal" books. He also declined to say how often such seizures occur. "Why are you and why should I answer such questions?" he told Forum 18 before putting the phone down.

### ***When will Muslims get their books back?***

The Sheki raid came exactly two weeks after a similar raid on a Muslim-owned home in Shamakhi [Shemakha]. Hundreds of books, mainly copies of Risale-i Nur, and discs were seized and sent to the State Committee. No prosecution has followed in Shamakhi.

Nursi readers told Forum 18 that the number of copies of Nursi's works which have been seized and sent to the State Committee has reached 10,000. They expressed concern that these books might never be returned.

The State Committee operates the system of prior compulsory censorship of all religious literature printed or distributed in Azerbaijan, as well as imported into the country. Not only does it need to authorise individual publications, it also specifies the number that can be printed or imported. The State Committee also operates the licensing of shops allowed to sell religious literature. New criminal penalties for producing, selling or otherwise distributing unapproved literature were introduced in December 2011.

Forum 18 was unable to find out from the State Committee whether it regards Nursi's works as "banned" and, if not, when copies confiscated in March in Sheki and Shamakhi, as well as copies seized earlier, will be returned.

State Committee spokesperson Aslanov has still not responded to Forum 18's written request, sent on 15 December 2011, for a list of religious publications the State Committee has refused to approve for publication, distribution or import.

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## **Raids continue, liquidation case adjourned**

By Felix Corley

Forum 18 News Service (15.03.12) - Muslim and Christian meetings continue to face raids involving the ordinary police, National Security Ministry (NSM) secret police, and officials of the State Committee for Work with Religious Organisations, Forum 18 News Service has learnt. A Baptist pastor working in the southern town of Neftchala and two Muslims holding a religious meeting in Sumgait [Sumqayit], a city north of Azerbaijan's capital Baku, were fined in separate cases in February. Police and NSM secret police officers who raided a private home in Shamakhi [Shemakha] in early March seized books by the late Turkish Muslim theologian Said Nursi. They are now with the State Committee for an "expert analysis".

Meanwhile, the first hearing in a suit by the State Committee to close down a Baku-based Protestant Church, Greater Grace, took place today (15 March). This is thought to be the first attempt to compulsorily close a religious community through the courts since compulsory re-registration was imposed by the harsh 2009 Religion Law. If successful the Church will lose the legal right to exist. The case resumes on 29 March, the court told Forum 18.

All officials of the State Committee in Baku refused to answer Forum 18's questions as to why meetings of religious believers face raids, fines and literature confiscations. They referred Forum 18 to State Committee spokesperson Saleh Aslanov. Finally reached on 13 March, he refused to answer any questions by phone.

Forum 18 submitted written questions the same day, asking why Police and the NSM secret police raided a Muslim's home in Shamakhi on 2 March, why the State Committee is checking books and discs confiscated during the raid, why a State Committee official took part in a raid in Sumgait on a Muslim meeting which led to two individuals being fined, why a Baptist pastor was fined in Neftechala, and one of his books was not returned by the State Committee after undergoing its censorship. No response had reached Forum 18 by the end of the working day in Baku on 15 March.

### ***Church liquidation case adjourned***

Today (15 March) the State Committee began in court moves to remove legal status from Baku's Greater Grace Church, the first such move since the harsh 2009 Religion Law was adopted. If the State Committee is successful, the Church will lose the legal right to exist.

Judge Tahira Asadova held the first full hearing in the case at Baku's Administrative Economic Court No. 1 on the afternoon of 15 March. The case was then adjourned until 29 March, the woman who answered the Judge's telephone told Forum 18 after the hearing had concluded. She confirmed that the State Committee had been represented in court by Sabina Allahverdieva of its Legal and Registration Department. It was she who, on behalf of the State Committee, had signed the 20 December 2011 suit to the Court seeking liquidation. This document has been seen by Forum 18.

During the short 15 March hearing, Judge Asadova studied the document from the Church's Pastor authorising the Church's lawyer Chingiz to act on behalf of the Church. She also sought documentation that Fuad Tariverdi is the Church's Pastor, instructing that this should be brought to the next hearing, the lawyer told Forum 18 from Baku after the hearing. Allahverdieva of the State Committee insisted that the Church's leader is listed as Hasan Kerimov. However, on questioning it emerged that Kerimov was the head of Baku's Sabail District whose name was listed on the registration document alongside the Justice Ministry in 1993.

On behalf of the Church, the lawyer complained that the State Committee had brought the liquidation suit without ever raising any question about the Church's legal status either verbally or in writing. "We stated that any approach by the State Committee before recourse to the court could have allowed this issue to be resolved without the need to go to court," the lawyer told Forum 18. "We stated that we are ready to resolve this peacefully outside the framework of the court."

When Judge Asadova put this to Allahverdieva of the State Committee, she rejected this, according to the lawyer. Allahverdieva insisted that the Church was functioning illegally and "had to be liquidated". When the lawyer responded that the Church still functions under its Justice Ministry registration dating back to 1993 which has never been annulled, Judge Asadova said these issues would be discussed at the next hearing when the essence of the case will be examined.

The Church has previously pointed out that the procedure being followed is not legal, but this illegality has not been questioned by the Judge.

Baptist Pastor Ilya Zenchenko – who attended the Court to show his solidarity with Greater Grace Church – told Forum 18 from Baku after the hearing that a monitor from the Office in Baku of the Organisation for Security and Co-operation in Europe (OSCE) had also attended the hearing, taking notes.

### ***Criminal case launched then dropped..***



Elsewhere, Baptist Pastor Telman Aliev was fined on 6 February, nearly two months after a December 2011 police and local State Committee raid on his church when they were meeting for worship. The authorities raided his church's building in Neftechala, a town south-east of Salyan in southern Azerbaijan, he told Forum 18 from Baku on 12 March. The Pastor – who lives in Baku – travels down to Neftechala regularly to lead services.

Officials declared the Church "closed" and sealed its building (though it was later unsealed), and confiscated all the books they could find. They also asked for the full addresses of all Church members, and what ethnicity they are.

Prosecutors told Pastor Aliev a criminal case had been opened against him after the 11 December 2011 raid, under Criminal Code Article 168 ("Infringing the rights of citizens under the guise of conducting religious rituals"). Prosecutors told him that he was violating this Article by preaching at a location away from his home town. Under Article 168, Pastor Aliev faced possible imprisonment for up to three years or a large fine. Fines under this Article were significantly increased in December 2011.

However, in late January 2012 Pastor Aliev was summoned to the Prosecutor's Office to be told that the State Committee had ruled that all but one of the Christian books confiscated from the church in Neftechala were not against the law. They were returned. One copy of a Russian-language translation of a book The Resurrection Factor by the American author Josh McDowell had been rejected because the State Committee said it had not given permission for its import. Prosecutors told him the criminal case had been dropped.

### ***..but unknown fine imposed***

However, on 6 February two police officers took Pastor Aliev under guard to Neftechala Town Court, where he was accused of violating Administrative Code Article 299.0.4, which punishes religious activity at an address other than a religious organisation's registered address.

Pastor Aliev was shown a letter from the State Committee in Baku to the local Prosecutor's Office saying that, as the Pastor lives in Baku, he does not have the right to conduct religious activity in Neftechala, he told Forum 18. The Judge – who did not give his name – fined him, but did not tell him the size of the fine. The Judge told him he had twenty days to resolve the dispute with the State Committee. However, Pastor Aliev told the Judge he did not consider himself guilty of breaking the law and would not sign the document or pay the fine.

Pastor Aliev told Forum 18 he has had no contact with the State Committee, has not paid the fine, and continues to lead worship in his congregation.

The prescribed fines for individuals who violate any part of Article 299 are between 1,500 and 2,000 Manats (11,071 to 14,762 Norwegian Kroner, 1,463 to 1,950 Euros or 1,909 to 2,545 US Dollars).

### ***Church has existed since 1953 – but no registration since 1999***

The Neftechala Baptist congregation has existed since 1953, and in 1966 the Soviet Council for Religious Affairs confirmed their building 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. The Church applied again for re-registration in 2009, but is still waiting – like very many other communities of all faiths – for the State Committee to deal with its application.

### **Raid, religious books seized**

Meanwhile, on 2 March in Shamakhi District west of Baku, about 15 officers of the District Police and the NSM secret police raided the home of local Muslim Mehman Halilov, who reads the works of the late Turkish Muslim theologian Said Nursi. Several officers were in plain clothes, including those from the secret police.

Officers seized copies of Nursi's collection of sermons Risale-i Nur (Messages of Light), friends of Halilov told Forum 18 on 3 March. Officers brought a search warrant issued by Shamakhi District Court on 1 March, which they showed him. This claimed that Halilov had been distributing the books. However, the officers refused to give him a copy of the search warrant, his friends complained to Forum 18.

Officers seized 154 books and 134 discs, telling Halilov that they would be sent to the State Committee for an "expert analysis". Only once the State Committee had issued this would a decision be taken on any further action, officers told him.

### **"I don't know and no-one here knows"**

In its 2 March announcement of the raid, the Interior Ministry put the number of confiscated books at 300, as well as the 134 discs, two computers and a computer memory stick. The Ministry did not mention which faith Halilov belongs to, describing it as "one of the banned religious movements".

The duty officer at Shamakhi District Police – who did not give his name - initially denied to Forum 18 on 12 March that any raid on Halilov's home and confiscation of his religious books had taken place. Told that the Interior Ministry had reported the raid and confiscation on its website the same day, the duty officer responded: "I don't know and no-one here knows." He then put the phone down.

### **Other raids, fines**

The Interior Ministry website records other recent raids on religious believers, though without specifying which religious community they belong to.

On 13 February, officers from Sumgait's 4th Police Department and at least one official of the State Committee raided a religious meeting held in a furniture shop owned by Fazil Allahverdiev, the website recorded the following day. Among the twelve people attending was Alimadat Kazimov, a Baku-based scientific worker at Azerbaijan's Academy of Sciences. All were taken to the 4th Police Department, where ten were released after being given official warnings. Cases were prepared against Allahverdiev and Kazimov under Administrative Code Article 299, the Interior Ministry said.

On 14 February, Judge Ilyas Mahmudov of Sumgait City Court found each guilty of violating Article 299.0.2 ("Infringement of the regulations on organising religious meetings or events"), his assistant told Forum 18 from the court on 13 March. The Judge fined each one 200 Manats (1,476 Norwegian Kroner, 195 Euros or 254 US Dollars). However, he chose to reduce the fine to 100 Manats each because he recognised that they did not have the money to pay the full fine. The Judge's assistant told Forum 18 the two had paid the fines.

*It is unclear why the fines were far below the level specified in the December 2010 Administrative Code amendments. This prescribed fines for individuals who violate any part of Article 299 are between 1,500 and 2,000 Manats.*

*Judge Mahmudov was not available each time Forum 18 called the court.*

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*The officer who answered the phone of the head of the Sumgait Police 4th Department – who did not give his name - told Forum 18 on 13 March that those detained were Muslims. However, he declined to discuss why meeting had been raided and why warnings and fines had been issued.*

*On 15 February the Interior Ministry website recorded raids by police and the NSM secret police on two homes in the northern Balakan District. Religious books were confiscated.*

*On 20 January, Police in the north-eastern Gusar [Qusar] District raided a home of what were described as members of a "radical sect", the Interior Ministry website noted the same day. Religious books and DVDs were confiscated.*

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## **"Illegal liquidation"**

By Felix Corley

Forum 18 (13.03.12) - Azerbaijan's State Committee for Work with Religious Organisations has moved to close down Greater Grace Church in the capital Baku for failing to regain the compulsory re-registration, Forum 18 News Service has learnt. This is thought to be the first attempt to compulsorily close a religious community through the courts since compulsory re-registration was imposed by the harsh 2009 Religion Law. If successful the Church would lose the legal right to exist. The unregistered exercise of freedom of religion or belief is illegal under the Religion Law, against international human rights standards. Church members reject the suit, insisting to Forum 18 that "illegal liquidation" of its legal status – which it has had since 1993 – would violate the "Constitutional rights to freedom of religion" of members.

Officials of the State Committee in Baku refused to answer Forum 18's questions as to why it is seeking to liquidate Greater Grace Church through the courts. They referred Forum 18 to State Committee spokesperson Saleh Aslanov. Finally reached on 13 March, he refused to answer any questions by phone.

Forum 18 submitted written questions the same day, asking why the State Committee lodged the suit to liquidate Greater Grace, as well as ordering the closure of a Muslim prayer room in a property in Baku owned by the Society for the Deaf. Forum 18 also asked why many of the re-registration applications lodged by religious communities in 2009, after the Religion Law required re-registration, have still not been processed. No response had reached Forum 18 by the end of the working day in Baku on 13 March.

### **Raids, fines, literature confiscations**

The moves through the court to strip the Greater Grace Church of its legal status come as ordinary police and National Security Ministry (NSM) secret police officers, with local officials of the State Committee, continue to raid religious meetings. Fines and confiscations of religious literature also continue.

### **Solidarity with Greater Grace**

Strongly backing Greater Grace Church is the leader of another Protestant community, Pastor Ilya Zenchenko, head of Azerbaijan's Baptist Union. "The move to liquidate the Church through the courts is against the Law and the Constitution, and discredits Azerbaijan internationally," he told Forum 18 from Baku on 13 March, "and punishes people who want to live an honest life. The State Committee – which has a duty to help religious believers – is instead engaging in repression of them."

Pastor Zenchenko insisted that this was the first time the State Committee has openly moved against any Christian Church. "Before all such actions were done in secret, using the police and the courts," he told Forum 18. He said he and other Protestant pastors intend to be present in court as an act of solidarity. He called on Azerbaijan's President Ilham Aliev and the Organisation for Security and Co-operation in Europe (OSCE) not to ignore the Church's plight.

Several Baptist congregations in Azerbaijan had registration in the Soviet period. After Azerbaijan's independence the Baptist Union had 10 registered congregations in 1992. After compulsory re-registration in 1994 it was six. After compulsory re-registration in 1999 it was two. In 2009 – before the latest round of compulsory re-registration – the Union had been able to register three congregations. These were in Baku, in the port city of Sumgait [Sumqayıt] and in Azerbaijan's second city of Gyanja [Gəncə]. Now it has no registered congregations. Six congregations have been waiting in vain for registration from the State Committee since 2009.

The OSCE Office in Baku said that the case to liquidate the Greater Grace Church is one of a number of religious freedom cases it is following. "We will send observers to the 15 March hearing as part of our Trial Monitoring Project," the OSCE Office told Forum 18 on 12 March. "We are also following cases of Jehovah's Witnesses and Muslims, including those from Nardaran near Baku."

Jehovah's Witnesses have tried to challenge through the courts – so far unsuccessfully – the State Committee's denial of re-registration and decisions to reduce the numbers of copies of their books it is prepared to authorise for import. Several Muslims affiliated with the Islamic Party have been arrested in Nardaran, a village near Baku regarded as a centre of independent Islamic activity.

### **Re-registration problems**

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. The latest compulsory re-registration of all religious communities in 2009 is the fifth since Azerbaijan gained independence with the collapse of the Soviet Union in 1991. 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 followed the 2009 Religion Law. Each time, vulnerable religious groups struggled to gain re-registration.

Among the many communities whose applications lodged in 2009 are still waiting for processing are many mosques, especially those wishing to function outside the framework of the state-tolerated Caucasian Muslim Board (which all mosques are compelled to belong to). Also waiting are almost all Protestant communities (including all Baptist, Seventh-day Adventist and Pentecostal congregations), in addition to Jehovah's Witnesses.

### ***Illegal summons to court, then hearing postponed***

On 14 January, Baku's Greater Grace Church received a summons to appear at the city's Administrative Economic Court No. 1 on 16 February for the suit to liquidate the Church. Although written in the name of Judge Tahira Asadova and secretary Sevinj Ahmedova, only Ahmedova had signed the summons, church members complained to Forum 18. The Civil Procedure Code requires the Judge – and no other court official – to approve such summonses.

When church members arrived for the hearing on 16 February, they found Judge Asadova was absent. No one could explain why. Court secretary Ahmedova told them the hearing would be held on the afternoon of 15 March, though the Church has received no official summons for this hearing.

Judge Asadova denied to Forum 18 that any procedures had been violated. She insisted that the secretary "normally" signs such documents on behalf of the Court. She declined to discuss whether the Church had received a proper legal document summoning them to the 15 March hearing. The Judge also said the 16 February hearing had gone ahead as a preliminary hearing. "The case begins properly on 15 March at 4 pm," she told Forum 18 from the court on 12 March.

Forum 18 asked whether she is aware that this is the first known case since the new 2009 Religion Law that the State Committee has sought liquidation of a religious community through the courts. Forum 18 also noted that many religious communities are therefore watching the case with some concern over whether it will lead to further restrictions on their religious freedom. Judge Asadova responded: "I believe it is the first such case. I have been involved in Jehovah's Witness cases before, but these were suits from the Jehovah's Witnesses against the State Committee, not the other way round. But I won't have considered all the nuances of the case until the hearing."

Asked whether she will be governed in her eventual ruling by Azerbaijan's international commitments in the area of human rights, Judge Asadova told Forum 18: "Of course our international human rights obligations are important, but we need to examine the reasons why the State Committee is seeking their liquidation. Are these reasons correct?"

### ***Church rejects State Committee accusations***

Greater Grace Church members reject the State Committee's suit, arguing that it violates its religious freedom rights set out in Article 48 ("Freedom of conscience") of Azerbaijan's Constitution, Article 18 ("Freedom of thought, conscience and religion") of the Universal Declaration of Human Rights, and Article 9 ("Freedom of thought, conscience and religion") of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In addition to what it describes as the "infringements" committed by the Court in preparing the case, church members rejects the core of the suit. They reject the State Committee's claim that the Church has ignored repeated reminders that it must re-register. "Such claims cannot be true, since our organisation has never received any letters of warning from the Claimant," church members told Forum 18. "Never once, since the Committee's very inception, has our organisation received a single warning letter from the Claimant."

Church members say the State Committee never told the Church that its Statute did not comply with the 2009 Religion Law. "It was for this reason that we deemed our founding documents to have completely met the requirements of the Law and State Committee, thinking there was no need to revise them." Church members also complain that the State Committee took the case directly to court without raising matters with the Church first, which was a violation of Article 259 of the Civil Procedure Code.

### ***Justice Ministry registration since 1993***

Greater Grace Church was registered with the Justice Ministry on 21 April 1993. The Church chose not to apply for re-registration in the third round of re-registration in 2001, when the State Committee was established and re-registration with it was required. However, so far the Church's 1993 Justice Ministry registration has never been revoked.

Church members insist it has "fully complied with the laws of Azerbaijan". They points out that no state bodies, including the State Committee for Work with Religious Organisations, have accused the Church of infringing the law. "State Committee employees have visited our services on many occasions and, eventually, we have established friendly relations."

### ***State Committee forces prayer room to close***

Meanwhile, in mid-January a group of Muslims who used a room for prayers in a building in Baku's Yasamal District owned by the Society for the Deaf, a non-governmental organisation, had to close the prayer room. The State Committee accused the Society of allowing the Huseiniya prayer room to function without state registration, State Committee officials told the local media in mid-January.

Responding to the State Committee's written complaint, the Society's head, Tapdyg Halygov, acknowledged that the prayer room was unregistered and that the collection box for financial offerings had been set up illegally.

Halygov's letter said a Society commission (whose task is to inspect charitable institutions run by the Society) had repeatedly inspected the premises where the prayer room was located. In view of the lack of registration the commission had ordered the closure of the prayer room, though such demands had been ignored. The State Committee insisted that the prayer room be closed.

Halygov's translator, who did not give his name, insisted that it was not the Society which had closed the prayer room. "These people were using a room in a building the Society rented out to others," he told Forum 18 from Baku on 13 March. "The Society knew nothing about it."

He said those who rented the building told those using the prayer room that they had to stop using it until they gain registration. "It's not a bad thing if people pray – indeed it's good. But they need registration. The government doesn't like it otherwise."

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