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Azerbaijan: A model of peaceful co-existence of Islam and minority religions

Press Release by MEP László Surján and Inese Vaidere

Press Release (13.11.2013) - Yesterday was dedicated to Azerbaijan in the European Parliament as two programmes have been organised in connection with the country. In the afternoon, Vice-President László Surján hosted a conference whereby the Human Rights Without Frontiers international organisation launched its report on Non-Muslim Minorities in Azerbaijan. While in the evening, Latvian EPP Group MEP Inese Vaidere opened an exhibition on religious tolerance in Azerbaijan. Both events were attended by Elshad Iskandarov, Minister of Religious Affairs in Azerbaijan. The main message of these events was that this country which is massively populated by Muslims shows a good model of secularism and the culture of tolerance gives us a role model on how to accommodate minority denominations in a majority Islamic country.

Willy Fautré, Director of *Human Rights Without Frontiers Int'l*, presented the report of "Non-Muslim Minorities in Azerbaijan" which is based on the key findings of their fact-finding mission in the country. The secular nature of the state - meaning the separation of state and religion - is the legal and constitutional pillar of the country where all Azerbaijanis can live in peace and with equal rights whatever their religion is. "Fundamentalist ideas have had no success in Azerbaijan so far but we shall remain vigilant. Antisemitism is non-existent and interreligious peace prevails both inside the Muslim community and among the main historical religions" - concluded the report Willy Fautré.

Elshad Iskandarov, Minister of Religious Affairs highlighted in his speech: "Our society is built on positive secularism, meaning we do not want to abandon the denominations, neither exclude religion from public life. It is not the French type of "laicite", but the

perspective of the same proximity to all denominations. One has to respect his neighbour either because he is brother in religion or in humanity".

MEP Inese Vaidere, the EPP Group Coordinator in the Human Rights Subcommittee pointed out on the exhibition opening: "The country's unique geographical location in the crossroads of Europe and Asia fostered by the government's determined secular policy of keeping political issues separate from religious organisations has shaped Azerbaijan into a tolerant country where various religious groups live side by side without a fear of being discriminated for what they believe in. Azerbaijani religious tolerance sets a good example for those countries that struggle to accommodate various religious groups".

László Surján, Hungarian Vice-President of the EP underlined: "In the time of ever-changing ideologies, people tend to determine their identities against the others and sentiments and stereotypes influence their lives. This is especially dangerous when leaders of a country misuse such sentiments in order to gain political capital as in a theocratic country this might lead to the persecution of minority religions and those not holding any beliefs. On the other hand, similar mistakes might happen if a secular state turns into a dictatorship and aims to eliminate religion from all aspects of life, be it the public or the private sphere. We saw the sad results of the latter behaviour in the communist regimes. Theoretically it is easy; however in practice it is most difficult to find the right balance for the co-existence of majority and minority religions and beliefs. I believe that the Azeri model constitutes a role model for the Muslim world. The example might be helpful for the problematic countries of the Arab Spring and might also contribute to fight Islamophobia in the Western countries".

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Tolerance between Muslims and non-Muslims but vigilance is a must

By Martin Banks for *Human Rights Without Frontiers*

HRWF (13.11.2013) - A hearing in the European Parliament has heard that the "Azerbaijan model" for tolerance among religious groups can be "applied" to other countries around the world.

A lively debate, hosted by the leading NGO, Human Rights Without Frontiers (HRWF), was told the example set by Azerbaijan in promoting racial harmony was a "shining light" to others but Willy Fautre, of HRWF, also cautioned that "vigilance is a must".

Fautre was a keynote speaker in the discussion on 12 November about "Christians, Jews and other religious minorities" in the country.

Azerbaijan, it was said, is a former Soviet republic which gained independence more than 20 years ago. Its constitution says: "Azerbaijani state is a democratic, legal, secular, unitary republic. Religion in the Azerbaijan republic is separated from the state. All religions are equal before the law."

The two-hour event heard that the secular nature of the state on which separation of state and religion is based is the legal and constitutional "pillar" in which all Azerbaijanis live in peace and with equal rights whatever their religion.

Opening the session, Fautre reported the findings of a delegation which recently visited a dozen non-Muslim religious communities and their places of worship in Baku and in the north of the country.

He said he and others talked to ordinary believers, interviewed their spiritual leaders and collected a wide range of testimonies about the mutual perception of their communities.

This included their inclusion in the construction of the Azerbaijani identity since independence from the late Soviet Union, inter-religious relations and relations with the state authorities.

Characteristics of secularism in Azerbaijan include -

- * No privileged status of the majority religion, Islam, in the constitution;
- * A judicial system which is secular and there is no place for sharia law in family matters;
- * Religious legislation is the same for Muslim and non-Muslim communities and
- * Practices of the majority religion are not imposed to other religions.

On the role of Jews in the country, Fautre said, "Unlike many other countries in the world, there is no discrimination, no social hostility and no organized manifestation of anti-Semitism in Azerbaijan. Jews peacefully live among Shi'a and Sunni Muslims who make up around 96% of the population."

He went on to say that in Azerbaijan, the Bahá'í community was registered by the state, fully enjoys freedom of religion and is not discriminated against by the authorities. Their presence in the Muslim dominated country has not created any hostility from the Shia or the Sunni communities.

Fautre said, "Religious leaders of Islam, Christianity and Judaism do not compete against each other when preaching to their faithful. All these elements have created a specific culture which cultivates tolerance towards all religions and inter-faith solidarity."

On the potential threat of Islamic extremism, he said, "Wahabbism, Salafism and religious radicalism in general are not welcome by the state and society. Men with long beards and covered women are still unusual in Azerbaijan.

"However, Islamic extremists from the North Caucasus, in particular Dagestan, and from Iran continue their attempts to infiltrate the country and to spread their ideology. Consequently, independent Muslim groups which refuse the authority of state-recognized Islam in Azerbaijan have emerged. Baku considers that this threat is not to be under-estimated as it challenges secularism, social order and domestic peace."

His report concludes, "Fundamentalist ideas have had no success in Azerbaijan up to now but vigilance remains a must. Anti-Semitism is non-existent and inter-religious peace prevails both inside the Muslim community and between the main historical religions because mutual respect, solidarity across the denominational borders, dialogue and tolerance are the core values underpinning Azerbaijan's secularism."

His comments were broadly echoed by a guest speaker, Elshad Iskhandarov, the country's religious affairs minister, who said that Azerbaijan was a "model" of inter-religious tolerance which others, such as the "Arab Spring countries," could follow.

He said, "It would be simple to say the State is responsible for all this but it is not. It is, though, a model we want to share with a wider audience."

He made a point of praising the "objectivity" of the HRWF report but said it was also guilty of "missing a few points" notably references to the development of Muslim communities in his country which he said had risen "at enormous speed" since the fall of the Soviet Union.

"There are 800 Muslim communities in the country and tolerance has been achieved by different minorities dealing with their own "phobias."

"Can all this be applied to other places? Yes, I think the model of positive secularism in Azerbaijan can. But it is important that State policies seek to achieve the right balance."

The event, he said, was timely as it comes on the eve of the Eastern Partnership summit in Vilnius later this month when countries like his own will seek to forge closer links with the EU.

Further contribution came from Moisey Bekker, of the Georgian Jews Institute of Human Rights of National Academy of Science of Azerbaijan.

He said the Jewish community had opened its own schools and Jews were taught in Hebrew, saying this was "another sign of tolerance."

"The people in Azerbaijan are hospitable and tolerant and it is one of the few countries in the region to study the tragedy of the Holocaust."

Another invited speaker was Rasim Khalilov, a Protestant pastor in the country who told the audience that different religious communities were allowed to operate freely and the State fostered good citizenship.

He said, "These are the sort of things you would not have seen in the old Soviet Union times.

"A beam of light has been shone on this country, there is constant dialogue between citizens and religious leaders and much of this is the result of efforts by the State."

Non-Muslim religious minorities in Azerbaijan, a secular state

Willy Fautré, *Human Rights Without Frontiers*

HRWF (12.11.2013) - Is Islam compatible with democracy and human rights? Is Islam compatible with secularism? Can Muslim countries accommodate non-Muslim religions? These are recurrent issues that are regularly debated by politicians and human rights experts.

Two years ago, we presented a report about Christian minorities in Bahrain showing the tolerance of the authorities towards non-Muslim groups and the lack of social hostility from the Sunni and Shia population.

In the last week of August 2013, a delegation from *Human Rights Without Frontiers Int'l* carried out a fact-finding mission in Azerbaijan, a secular country massively populated by Muslims (96%).

Azerbaijan is a former Soviet republic which gained independence more than 20 years ago. Its constitution says: "Azerbaijani state is a democratic, legal, secular, unitary

republic. Religion in the Azerbaijan republic is separated from the state. All religions are equal before the law.”

The secular nature of the state on which separation of state and religion is based is the legal and constitutional pillar of the common house in which all Azerbaijanis can live in peace and with equal rights whatever their religion.

Some characteristics of secularism in Azerbaijan:

- There is no privileged status of the majority religion, Islam, in the constitution;
- The judicial system is secular and there is no place for sharia law in family matters;
- The religious legislation is the same for Muslim and non-Muslim communities;
- No legislation limits the right to choose or to change one’s religion;
- Religion is not taught in Azerbaijani public schools;
- Practices of the majority religion are not imposed to other religions: no campaign exists against Azerbaijanis drinking alcohol, and pork products can be found – though not always - in supermarkets
- Men and women have equal rights: Women are not discriminated against in matters concerning parental or custody rights, inheritance rights and property rights;
- Muslim men and women can get married with someone professing another religion. There is no compulsion for the non-Muslim spouse to adopt Islam.

Azerbaijan, a case study

Our delegation visited a dozen non-Muslim religious communities and their places of worship in Baku and in the north of the country, talked to ordinary believers, interviewed their spiritual leaders and collected a wide range of testimonies about the mutual perception of their communities, their inclusion in the construction of the Azerbaijani identity since independence from the late Soviet Union, inter-religious relations and relations with the state authorities.

What is the daily reality of religious minorities in the Muslim society of Azerbaijan? Let us begin with two of them for which life is usually very difficult in the Muslim world: the Jews and the Bahá’ís.

Jews

Jews started living in Azerbaijan more than 2,000 years ago and for about 1400 years as a minority in a Muslim environment. Throughout this period, they have been fully part of society regardless of the regime under which they lived. Seven communities have been registered by the state since independence over 20 years ago.

Unlike many other countries in the world, there is no discrimination, no social hostility and no organized manifestation of anti-Semitism in Azerbaijan. Jews peacefully live among Shi’a and Sunni Muslims who make up around 96% of the population.

The Bahá’ís

In many Muslim countries, institutions and clergy consider Bahá’ís apostates from Islam and persecute them on this ground. In Iran, they are even banned and many of them are in prison. The last report of the US Commission on International Religious Freedom lists more than a hundred Bahá’ís in Iran who serve various prison terms from one year up to twenty on a wide range of charges related to their membership or activity with their faith: forming an illegal cult, acting against

national security, membership in an illegal group, membership in the deviant sect of Baha'ism, etc.

In Azerbaijan, the Bahá'í community was registered by the state, fully enjoys freedom of religion and is not discriminated against by the authorities. Their presence in this Muslim dominated country has not created any hostility from the Shia or the Sunni communities.

Let us now have a closer look at the way secularism has shaped social behaviours, social culture as well as relations between the majority religion and minority religions. Some concrete examples on the basis of data collected during the fact-finding mission.

Converting from Islam to another religion

By law and in practice, Muslims can convert to another religion whether they are men or women and even proselytize among their former coreligionists without arousing any family or social hostility.

The pastor of the Lutheran Church of the Saviour in Baku, Ismayilova Manzar, is a woman. She is from a Muslim family. She became Christian while she was living in Moscow. It was a personal choice to join a Lutheran community and to study at the Lutheran Seminary of St Petersburg. Her change of religion did not pose any problem in her family.

In Baku, we met with two Bahá'ís, Ramazan Asgarti, Secretary of the Bahá'í National Spiritual Assembly, and Abin Afardiyev, a member of the Office of External Affairs of the Bahá'í community. Both are converts to the Bahá'í faith and are involved in the revival of the community.

The current head of Hare Krishna devotees in Azerbaijan, Ramil Aliyev, is also a convert. He joined the Hare Krishna while he was a student at the Kyiv School of Economics at the time of the Soviet Union. He had never been religious even though his family was culturally Muslim.

Inter-religious relations and solidarity

Religious leaders of Islam, Christianity and Judaism do not compete against each other when preaching to their faithful. All these elements have created a specific culture which cultivates tolerance towards all religions and inter-faith solidarity.

Muslims, Christians and Jews participate in each other's religious festivals.

Jews: A new synagogue was opened in Baku in 2003 thanks to the generosity of donors of various faiths, including Azerbaijani Muslims.

Catholics: When Pope John-Paul II paid an official visit to Baku in 2002 he donated \$20,000 to help pay the \$1 million ransom demanded by the kidnappers of an Orthodox priest in Chechnya as a sign of gratitude for the good relations between Russian Orthodox Eparch Iscein and the local Catholic community.

He also met a group of internally displaced people from Nagorno-Karabakh representing the hundreds of thousands of people living in the same situation and made a donation of \$100,000 to cover their urgent needs.

Orthodox: The recent revival of the Russian Orthodox Church in Azerbaijan was made possible by the support of the Presidency, major financial contributions of philanthropists of various faiths and other religious communities.

During the Black January of 1990, the Orthodox Cathedral was hit by missiles fired by Soviet troops. The building was severely damaged, the bell tower and the roof also being hit by shelling. In the same year, the Russian Orthodox Church began restoration work of the building thanks to a donation from a philanthropist: Aydin Gurbanov, an Azerbaijani-born Muslim businessman and vice-president of the All-Russia Azerbaijani Congress. A picture of him permanently surrounded by flowers is exposed in a corner of the Cathedral.

Our meeting with the Orthodox bishop took place in a religious cultural center the construction of which was financed by a Muslim businessman built on a plot of land given by President Ilham Aliyev.

Mutual assistance between denominations is also a prominent feature of the religious landscape and culture in Azerbaijan. Moreover, the World Summits of Religious Leaders in Baku, the regular visits of the ROC Patriarchs in Baku and the long-standing dialogue between the ROC leaders and the other religions in Azerbaijan and in the Caucasus undoubtedly contribute to religious tolerance and peaceful coexistence in the region.

State support and financing of religions

Secularism is not hostile to religions in Azerbaijan.

Last year, the Cabinet of Ministers gave 2 million manats (EUR) to the Caucasus Muslim Board for all its affiliated mosques. The State Committee for Work with Religious Associations was mandated to distribute 400,000 manats (EUR) to non-Muslim associations according to their membership.

Moreover, state help is also provided in the form of donation of plots of lands or rebuilding of places of worship destroyed for city-planning purposes or in other circumstances.

In 2011, city planning projects forced the Mountain Jews community in Baku to move to another location but the state covered the expenses of the reconstruction of their synagogue.

After the visit of the Pope in 2002, the President donated a plot of land for the construction of a Catholic church.

A plot of land for the construction of a religious cultural center for the Orthodox Church was also a gift of the President of Azerbaijan.

The Lutheran church which was confiscated by the Soviet regime in the 1930s remained state property after independence and is now a Philharmonic Center belonging to the Ministry of Culture. The place is rented to the Lutheran congregation according to their needs for the duration of their religious activities for a modest amount and the state maintains this historic building in good condition. This is not very different from the situation in France where the State confiscated all religious buildings after the 1789 Revolution and as the owner of them, it is responsible for their maintenance and renovation. In 2001, President Heydar Aliyev signed a decree allocating 1 million manats (EUR) to the renovation of the Lutheran church.

Islamic extremism

Wahabbism, Salafism and religious radicalism in general are not welcome by the state and society. Men with long beards and covered women are still unusual in Azerbaijan. However, Islamic extremists from the North Caucasus, in particular Dagestan, and from Iran continue their attempts to infiltrate the country and to spread their ideology.

Consequently, independent Muslim groups which refuse the authority of state-recognized Islam in Azerbaijan have emerged. Baku considers that this threat is not to be underestimated as it challenges secularism, social order and domestic peace.

Conclusion

In conclusion, fundamentalist ideas have had no success in Azerbaijan up to now but vigilance remains a must. Anti-Semitism is non-existent and inter-religious peace prevails both inside the Muslim community and between the main historical religions because mutual respect, solidarity across the denominational borders, dialogue and tolerance are the core values underpinning Azerbaijan's secularism.

"Tragicomedy and mockery of justice"

Islamic theologian and preacher Taleh Bagirov was given a two-year strict regime prison sentence on 1 November by a court in Azerbaijan's capital Baku. He was found guilty of possessing just over one gram of heroin, in an accusation his supporters insist was fabricated to punish him for his religious and political activity. The sentence was handed down three months after Bagirov's driver, Anar Melikov, was given a 19-month prison term in August, Forum 18 News Service notes.

Bagirov and Melikov were both arrested on 31 May. While in the hands of Baku's Sabunchu District Police, both say they were beaten.

Imam Bagirov (also known as Bagirzade) had led prayers at the Hazrat Abulfaz Aga Mosque in the village of Mastaga on the Absheron peninsula near Baku. Like all mosques in Azerbaijan, the government insisted that Hazrat Abulfaz Aga Mosque has to be controlled by the Caucasian Muslim Board, which named its imam. However, many mosque members rejected the imam named by the Board, Mirjafar Hasanli. They welcomed instead Bagirov and another theologian Zulfugar Mikailzade to lead Friday prayers and give the sermon. Mosque members often prevented the Board-appointed imam from entering the mosque.

Bagirov's supporters say the authorities were also unhappy at his preaching against the Caucasian Muslim Board and state officials. They insist that the drugs police claim to have found on Bagirov (just over a gram of heroin), and the gun and bullets police claim to have found on Melikov, were planted. When the authorities sought to imprison Baptist Pastor Hamid Shabanov in 2008 for leading an unregistered religious community in his home village of Aliabad, a gun was found on him which his supporters also insisted was planted.

Melikov's trial

The case against Melikov, Bagirov's driver, was prepared by the police Department for the Fight Against Organised Crime. Melikov always insisted that the Makarov gun and four bullets police allege they found on him when he and Bagirov were arrested had been planted. A household knife had been found in the boot of the car, but officers claimed it had been in his pocket.

Melikov was tried first. On 7 August, Judge Anar Kasimov of Baku's Sabunchu District Court found him guilty of violating Article 228.1 and 228.4 of the Criminal Code, the Judge's assistant – who did not give her name – told Forum 18 from the court on 6 November. Melikov received a 19-month general regime labour camp sentence.

Criminal Code Article 228.1 ("Illegal purchase, transfer, sale, storage, transportation or

carrying of firearms, accessories, supplies and ammunition (except for a hunting rifle), and explosives") carries a maximum sentence of three years in jail. Article 228.4 ("Illegal purchase, selling or carrying of a gas weapon or knife, except in districts where carrying of a knife is an accessory of national dress or connected to hunting") carries a maximum sentence of one year in jail.

One of Melikov's lawyers, Javad Javadov, appealed to the judge to allow his client to sit next to him at the trial, rather than in the cage in the small courtroom, he told Forum 18 from Baku on 6 November. However, Judge Kasimov rejected the request.

Judge Kasimov's assistant told Forum 18 the Judge would not speak about the case.

Although he "completely rejects the charges", Melikov chose not to lodge an appeal, his lawyer Javadov added.

Melikov in prison

Melikov is currently held in Prison No. 16 in the village of Ramana near Baku. This holds about 1,000 prisoners serving first sentences on lesser charges. Javadov says Melikov has no problem in prison having access to religious literature, including the Koran, and to prayers. He can also receive visits from relatives and his lawyers.

Melikov's prison address is:

Anar Melikov
AZ-1042, Baki shahari
Suraxani rayonu
Bul-Bula qasabasi
S.Aliyev kuchasi 200
16 sayli Cazachakma muassisasi
Azerbaijan

Criticising the authorities

The 29-year-old Imam Bagirov is known for his strong criticism of the Azerbaijani government as well as of the Muslim Board. "You have stolen people's land, you have stolen the oil, and you still sit there with no one to say anything to you. Now you want to rule in the mosque too? No matter how influential an official is, he cannot rule inside the mosque", independent Baku journalist Idrak Abbasov wrote in a 5 April article for the Institute for War and Peace Reporting.

In sermons shared on social media, Bagirov compared the government to the Egyptian pharaohs, and called Muslims out into the streets. After studying in Qom in Iran and Najaf in Iraq, two of Shia Islam's holiest cities and centres of learning, he returned to Azerbaijan in May 2011. From then until November 2012 Bagirov was imprisoned for 18 months for his participation in demonstrations against bans on the headscarf for girls in schools.

An "expert analysis" of videos of his sermons was conducted by the Justice Ministry, together with the State Committee for Work with Religious Organisations. This was at the instigation of police investigators, who were particularly interested in his sermon on 24 March, the last sermon before his arrest. The sermon had been widely distributed on social media.

However, the State Committee's analysis - completed in mid-September and shared with Bagirov's lawyers - found no basis for any criminal charges, Bagirov's lawyer Javadov

told Forum 18. "They realised they would have made themselves a laughing stock if they had pursued these charges," he said.

Javadov described Bagirov's 24 March sermon as merely the "catalyst" for the arrest. "Sooner or later they would have arrested Taleh."

Forum 18 was unable to reach Aqil Shirinov, head of the State Committee's Expertise Department, or State Committee spokesperson Orhan Ali. Neither was in the office when Forum 18 called on 6 November.

Such "expert analyses" are an integral part of Azerbaijan's censorship system.

Case against Imam Bagirov

The police Department for the Fight Against Organised Crime completed the case against Bagirov on 25 September and handed it to court. Investigators claimed Bagirov was in possession of 1.26 grams of heroin when police arrested him on 31 March. He vigorously rejected the accusation.

Javadov said prosecutors could go to court only with the accusation of drug possession under Criminal Code Article 234.1. This punishes the illegal purchase or storage, without a commercial purpose, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption. The maximum sentence is a prison term of up to three years.

"So the whole case revolved around just over one gram of heroin – and even that wasn't proved in court," Javadov told Forum 18 with a bitter laugh.

Bagirov's trial

Bagirov was finally brought to trial at Baku's Sabunchu District Court on 28 October under Judge Samir Aliyev, local media reported. Hearings took place that day and the following day, and the case was completed on 1 November.

For each hearing, Bagirov was escorted to the small courtroom by six or seven police officers. During the trial he was held in a cage in the courtroom. Judge Aliyev rejected Javadov's application that his client should be allowed to leave the cage and sit alongside him and fellow lawyer Anar Kasimov.

Journalists were not allowed into the courtroom and only a handful of Bagirov's supporters were allowed in, Faik Mejid of Caucasian Knot news service noted on 1 November.

On 28 October, the police violently dispersed a crowd outside the court room, local news agencies noted. About twenty people were detained and criminal proceedings were launched against four of them. The rest were freed in the early hours of 29 October after paying fines of between 50 and 800 Manats (380 and 6,000 Norwegian Kroner, 45 and 750 Euros, or 60 and 1,000 US Dollars).

During Bagirov's trial, the Prosecutor asked for the maximum punishment of three years' imprisonment. Bagirov rejected the charges against him.

Bagirov's lawyer Kasimov objected to the way the trial proceeded. "Police officers who were witnesses in this case gave testimony which did not tally with the investigation's material," he wrote on his Facebook page while the trial was still underway. He noted that the indictment and police reports claimed that the heroin had been found in Bagirov's trousers, while the police officers told the court that the drugs had been found in a pocket of his coat.

Then the floor was given to the prosecutor and after that there was a recess.

"Tragicomedy and mockery of justice"

After the prosecutor's speech, Bagirov's lawyer Kasimov left the court in protest. He told Turan news agency that he did not want to watch this "tragicomedy and mockery of justice". He complained about the speed of the trial and lack of time given to the defence to prepare its closing address.

Kasimov added that his client was calm and said that he did not care about the verdict.

When the two-year strict regime verdict was delivered soon after, one of Bagirov's supporters spat at Judge Aliyev. The judge ordered a police officer to detain the man.

Bagirov in prison preparing appeal

Bagirov's lawyers received the written verdict on 6 November, Javadov told Forum 18. Bagirov has until 21 November to lodge an appeal to Baku Appeal Court and this is now being prepared, Javadov said.

Bagirov is still being held at Baku's pre-trial Investigation Prison at Kurdakhani, to where he had been transferred in mid-April. As in Melikov's case, Javadov said Bagirov has access to the Koran and other religious literature and can pray. He also has access to his lawyers and family.

Bagirov's prison address is:

Taleh Bagirov
AZ-1104, Baki shahari
Sabunchu rayonu
Zabrat-2 qasabasi
Baki Istintaq tacridxanasi
Azerbaijan

Raids

Meanwhile, raids and court hearings continue to punish people for exercising the right to freedom of religion or belief without state permission. The latest known victims of such human rights violations are Jehovah's Witnesses.

Like all non-Muslim Board Islamic communities (whose existence is illegal), as well as most Protestant Christian churches, no Jehovah's Witness communities were able to gain the compulsory re-registration required by the 2009 Religion Law. This Law makes the exercise of freedom of religion or belief with other people without state permission illegal.

On 26 May, police in the north-western town of Shamkir [Shamkhor] raided a meeting in a private home attended by about 15 people, Jehovah's Witnesses told Forum 18. Officers halted the meeting and, without a court order or warrant (so breaking the law), seized all the religious literature they could find. Six of those present were taken to the police station for questioning. They were warned not to hold further religious meetings.

On 21 September, police arrived at a private home in Aliabad in the north-western Zakatala [Zaqatala] District where a Jehovah's Witness meeting was due to take place, Jehovah's Witnesses told Forum 18.

The telephone of Zakatala police chief Arif Babayev went unanswered when Forum 18 called on 6 November. The duty officer declined to discuss the raid with Forum 18.

Police and prosecutors have repeatedly pressured other religious communities in Aliabad. Two Baptist pastors, Zaur Balaev and Hamid Shabanov, were given prison terms on what their communities insisted were fabricated charges. Pastor Balaev and Hinayat Shabanova, Shabanov's wife, were given heavy administrative fines in March, but these were overturned on appeal in April.

Administrative cases

Eight Jehovah's Witnesses have been stopped for discussing their faith with others on the streets since spring 2013. Instances have occurred in Gakh [Qax] in north-western Azerbaijan in April and in Baku in July, Jehovah's Witnesses told Forum 18.

Eight individuals were brought to court facing accusations under Code of Administrative Offences Article 299.0.2. This punishes "violating legislation on holding religious meetings, marches, and other religious ceremonies" with fines. These fines were sharply increased in Administrative Code amendments in December 2011 to (for individuals) between 1,500 and 2,000 Manats (11,400 to 15,200 Norwegian Kroner, 1,400 to 1,880 Euros, or 1,900 to 2,550 US Dollars).

However, in cases against six of the eight Jehovah's Witnesses, courts rejected the charges. They said no evidence had been presented that the individuals had broken the law.

Official warnings

Two Jehovah's Witnesses - Rza Babayev and Ilham Hasanov - were discussing their faith in the western town of Barda on 27 September. A local man spotted them and gathered a crowd of about 20 men. The crowd insulted and assaulted the two, although without seriously injuring them, and tore some of their religious literature, Jehovah's Witnesses complained to Forum 18.

Babayev and Hasanov called the police several times, but the police were slow to respond. When officers eventually arrived, they took both to the station and started an administrative case against them under Administrative Code Article 299.0.2. They brought no charges against the men in the crowd.

No one at Barda police was prepared to discuss the incident with Forum 18 on 6 November.

The cases reached Barda Court on 4 October. On 7 October, Judge Ahmad Sariyev announced verbally that Babayev and Hasanov were guilty of violating Article 299.0.2 and issued an official warning against them.

The two lodged appeals on 17 October, which were heard today (7 November) at Gyanja Appeal Court. But both appeals were rejected, Jehovah's Witnesses told Forum 18.

Caucasus' Muslims invite Pope Francis to Azerbaijan

AsiaNews - The head of the Caucasus Islamic Department, Sheikh Hadji Allahchukur Pachazadeh, has invited Pope Francis to visit Azerbaijan: "We are happy for his election

and we would like to meet him in person". The invitation was made yesterday to Cardinal Gianfranco Ravasi, president of the Pontifical Council for Culture, on official visit to Baku to organize an exhibition of Azerbaijani art in the Vatican Museums.

The sheikh said: "This is my first encounter with you and so I congratulate you and the Vatican for the election of the Pope. I would like him to come visit Azerbaijan. Mine is an official invitation, which without doubt is shared by the government". The sheikh then expressed his desire to visit the Vatican, and thus Cardinal Ravasi extended an invitation: "Please come, it would be very important for bilateral relations between our states."

The Vatican delegation also met with the President, Ilham Aliyev , who gave the Cardinal the medal of the Order Dostluh ("Friendship"), one of the most important of Azerbaijan. On behalf of the Holy See the prelate instead gave the president a medal of the Vacant and praised the "first lady" Mehriban Aliyeva , head of the Foundation " Heydar Aliyev " , for her contribution to strengthening relations between the Vatican and Azerbaijan.

Out of a population of about 10 million people, Azerbaijan is a Muslim majority country. Muslims are 93.4% of the population (over 60 % of Shiite confession), while Christians make up 4.6% , for most Russian or Armenian Orthodox. According to local sources, about 400 Catholics live in the country, mostly foreigners. The government allows religious freedom but closely monitors the practice, especially Islamic: worried by the emergence of a political Islam [it has introduced laws and regulations](#) that put mosques and preachers under the wing of the state.

Legalize the right to conscientious objection to military service on religious or philosophical grounds.

Human Rights Without Frontiers Int'l recommends to Armenia, Azerbaijan, Belarus, Georgia, Turkey and Turkmenistan to legalize the right to conscientious objection to military service on religious or philosophical grounds.

HRWF (26.09.2013) -

Armenia

By January 2004 Armenia should have introduced a civilian alternative to compulsory military service. In the last nine and a half years, about 275 JW were imprisoned as objectors, around 30 per year. In 2011, Armenia was condemned by the European Court on Human Rights on this issue. In May of this year, the Armenian has adopted new amendments to the 2003 Alternative Service Law and to the 2003 Law on Implementing the Criminal Code. The young people that are now called up are sent to a civilian service.

Two types of alternative service are now available:

- a.) "Alternative military service" for 30 months which is not connected with bearing, keeping, maintaining or using weapons;
- b.) "Alternative labour service" for 36 months not connected with the armed forces.

However, the conscientious objectors that are currently serving a prison term have still in prison for months.

Azerbaijan

Azerbaijan's two known imprisoned conscientious objectors sentenced last year to one year imprisonment – both Jehovah's Witnesses - have been freed as part of a prisoner amnesty in June last on the occasion of the late President Heydar Aliev's 90th birthday.

Both conscientious objectors had been imprisoned 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]".

Three former imprisoned conscientious objectors have lodged cases to the European Court of Human Rights in Strasbourg.

Azerbaijan has not adopted a law on alternative civilian service, although this was one of the commitments it made upon accession to the Council of Europe in 2001.

Belarus

While the constitution provides for the right to alternative civilian service, the law makes no provision for conscientious objectors. Persons charged with draft evasion face penalties ranging from fines to five years in prison.

Georgia

In two cases reported this year by the Jehovah's Witnesses involving alternative service for compulsory active military duty, the Ministry of Defense denied initial requests for exemptions, but granted the requests in follow-up appeals. Authorities granted the appeal of one Jehovah's Witness in which the individual was fined for non-fulfillment of military or alternate service, but denied the appeals of three others.

Turkey

In its national law, Turkey fails to recognize the right to conscientious objection and no civilian alternative to military service is available. Conscientious objectors who have publicly stated their refusal to carry out military service have been subjected to criminal prosecution and imprisonment of up to three years. On release, they often receive new call-up papers, and the process is repeated. Turkey has failed to implement the 2006 ruling of the European Court of Human Rights that required Turkey to amend its legislation to prevent the "civil death" of conscientious objectors repeatedly prosecuted and convicted for their refusal to carry out military service, found by the Court to be a violation of Article 3 of the European Convention on Human Rights (prohibition of degrading treatment). Over the last two years, in several cases starting with *Erçep v. Turkey* in November 2011, Turkey was found to have violated Article 9 of the European Convention on Human Rights that guarantees the right to freedom of thought, conscience and religion.

In 2012, the Court applied the Grand Chamber's judgment in the cases *Savda v. Turkey*¹⁹ and *Tarhan v. Turkey*, and found violations of article 9 of the European Convention. These were the first "secular" cases addressed by the Court which did not involve Jehovah's Witnesses. In *Savda v. Turkey*, the applicant, a Kurd, had been subject to repeated call-ups, prosecutions and imprisonment. The Court also found violations of the European Convention's article 3 (inhuman or degrading treatment) and article 6 (right to a fair trial). The judgment also noted that the applicant's case was characterized by an absence of a procedure on the part of the State to examine his request for recognition of conscientious objector status, and consequently his request was never examined by the authorities who made use of criminal law provisions penalizing his refusal to carry out military service.

Turkmenistan

In March of this year, Jehovah's Witness conscientious objector Atamurat Suvkhanov was sentenced to one year in prison for refusing to perform military service on conscientious grounds.

This sentence brings to nine the number of known imprisoned conscientious objectors. A further four are serving suspended prison sentences. Another young Jehovah's Witness in the capital Ashgabad, Danatar Durdyev, was convicted on the same charges in January, but was instead given a heavy fine.

In Turkmenistan, military service for men between the ages of 18 and 27 is compulsory and is generally two years. There is no alternative to compulsory military service.

The refusal to serve in the armed forces in peacetime is punishable by a maximum penalty of two years' imprisonment under Criminal Code Article 219, Part 1.

Turkmenistan's refusal to recognise the right to refuse military service, which is part of the right to freedom of religion or belief, breaks the country's international human rights commitments, and was criticised in March 2012 by the UN Human Rights Committee where 10 objectors had filed a complaint.

Islam comes with a secular face

Eurasia (15.08.2013) - While there are numerous touchstones of tension in Azerbaijan, including corruption and income inequality, local analysts say it's unlikely that religion will emerge as a major fault line in Azerbaijani society for the foreseeable future.

"This is the most secular Muslim country in the world," commented Altay Goyuhsov, a professor of Islamic History at Baku State University. "Among Muslim nations, Azerbaijanis are the ones who take religious ceremonies and fasting the least seriously. Men with long beards, and covered women are still unusual in Azerbaijan."

That attitude stems largely from Azerbaijan's own history. Traditionally a predominantly Shi'a Muslim country, Azerbaijan spent 71 years as an officially atheist Soviet republic. When the Soviet Union collapsed in 1991, Azerbaijanis, like citizens of other formerly Soviet republics, began looking for an alternative ideology and turned to religion, said Elchin Askerov, a former deputy chairperson of the State Committee for Work with Religions Organizations. But in Azerbaijan's case, the popular embrace of Islam did not diminish secular traditions.

"Most religious Azerbaijanis never attend a mosque; they do not change their lifestyle according to what Islam describes," Askerov explained. "Islam is not a lifestyle for them. They do not care if the country's social and political life contradicts the rules dictated by Islam."

Speculation about the potential radicalization of Islam in Azerbaijan has been connected to a recent rise of tension between Baku and neighboring Iran. Some Iranian leaders have indulged in provocative rhetoric, and pro-Tehran radicals were suspected of assassinating a prominent secular-minded journalist in 2012. Even so, signs are plentiful, at least in Baku, that the country's secular orientation remains firm. For example, no campaign exists against Azerbaijanis drinking alcohol, and pork products can be found - though not always -- in supermarkets. Meanwhile, a series of protests to encourage the government to allow females to wear hijab, the traditional Muslim head covering for women, in public educational institutions failed to gain traction.

Within the broader secular context, many Azerbaijanis appear to be interested in probing their spiritual sides. In a survey run for the non-profit Caucasus Resource Research Centers, the number of respondents in Azerbaijan who consider religion a highly important part of their daily lives has increased steadily, jumping from 28 percent of 2,001 respondents in 2010 to 33 percent of 1,829 respondents in 2012. Another 44 percent said they now consider religion a "rather important" part of their daily lives.

Nevertheless, out of that combined 77 percent, only 2 percent attend religious services every day and 3 percent once or more a week. Almost half never fast, another standard Muslim observance, and 20 percent fast only rarely.

Gunel Ibrahimli, a 24-year-old instructor at the Azerbaijan Tourism Institute, is one of them. In her Facebook photos, Ibrahimli poses like a professional model, kitted out in tight pants and mini-dresses. She attends the opera, ballet and art exhibits whenever possible.

But Ibrahimli sees no contradiction between such choices and what she describes as her strong Islamic beliefs. "I grew up in a different society" from strictly observant Arab countries, she explained.

A relatively small number of followers of Salafism, an ardently conservative movement within Sunni Islam, are found in Azerbaijan. For Salafis, such practices as the avoidance of alcohol and modest forms of attire are a must.

"Being secular means one wants to enjoy the pleasures of the world. What Islam says is contradictory. Those pleasures are prohibited for Muslims," said Ramin Hamzayev, a 36-year-old practitioner of Salafism who works in construction in Baku.

Most Azerbaijanis tend to view Salafism with suspicion. The movement entered Azerbaijan in the early 1990s from Saudi Arabia, but and has never attracted a large following, analysts say. "Azerbaijanis prefer to follow what their own mullah says, rather than think about what highly educated clergy from Iran or Arab countries try to explain to them," said Goyushov, the Baku State professor. "Anything new shakes their traditional religious values."

The government, while giving a formal nod to Azerbaijan's Islamic heritage, actively works to reinforce the country's secular orientation. Religion is not taught in Azerbaijani public schools, mosques must register with the government, and strict controls mandate what religious reading materials can be sold in shops. References to Azerbaijan's identity relate to purely secular matters - the country's booming oil-and-gas industry, the makeover of downtown Baku or the launch of the South Caucasus' first communications satellite this February.

Again, Azerbaijan's assertively secular, Soviet background comes into play. While 40.9 percent of the country's 9.6 million people are under the age of 25, older generations "are Soviet-educated ... They are very secular," noted Askerov, now chairperson of Baku's non-profit Religious Research Center. "They did not grow up with religious traditions. So, they can be critical about Islam; they feel OK to question it."

Such a critical attitude, however, disturbs 23-year-old IT specialist Farid Ibrahimov, another practicing Salafi, who is the only believer in his family. His father, he says, advises him against wearing a beard and attending mosque, and his mother refuses to wear hijab.

"I get very disappointed when my father says life is short, just have fun," Ibrahimov recounted. "Most Azerbaijanis are illiterate about Islam. They see it as something backward. I cannot interest my family because they do not believe in an after-life."

But, for Ibrahimli, no reason exists why she cannot be both secular and a practicing Muslim. "Islam is something very individual to me. It requires a ... logical approach," she said. "[T]hat is how most Azerbaijanis see the religion. That is great."

Conscientious objectors amnestied, imam and driver not freed

Forum 18 (28.06.2013) - Azerbaijan's two known imprisoned conscientious objectors – both Jehovah's Witnesses - have been freed as part of a prisoner amnesty, Forum 18 News Service has learnt. However, an imam from near the capital Baku, Taleh Bagirov, and his driver Anar Melikov have not. On 27 June a Baku court ordered an extension of Bagirov's pre-trial detention, while Melikov's criminal trial is expected to begin in a different Baku court in mid-July. Both prisoners of conscience have been detained since 31 March.

Imam Bagirov had led prayers at the Hazrat Abulfaz Aga Mosque in the village of Mastaga on the Absheron peninsula near Baku. His supporters say the authorities were unhappy at his preaching against the Caucasian Muslim Board and state officials. They insist that the drugs police claim to have found on Bagirov (just over a gram of heroin), and the gun and bullets police claim to have found on Melikov, were planted.

Like all mosques in Azerbaijan, the government insisted Hazrat Abulfaz Aga Mosque has to be controlled by the Muslim Board, which appointed Mirjafar Hasanli as imam. But many mosque members rejected him, welcoming instead Bagirov and another theologian Zulfugar Mikailzade to lead Friday prayers and give the sermon.

The Hazrat Abulfaz Aga Mosque remains open for worship, local Muslims told Forum 18 on 28 June. Many mosques – including those both inside and outside the Muslim Board – have been forcibly closed by the state. Independent mosques are banned, and many religious communities of other faiths are subjected to threats, raids and.

Detention extended

At a 27 June hearing in Baku's Narimanov District Court, Judge Abbas Aliyev ordered the extension of Imam Bagirov's pre-trial detention for a further month, his lawyer Javad Javadov told Forum 18 from Baku the same day. Bagirov had been brought to court from the pre-trial Investigation Prison in Kurdakhani for the hearing.

Mirqasim Aliyev, a relative who heads the Committee to Defend Bagirov, wanted to attend the 27 June hearing but was stopped by a police officer on the door of the court. "Only the lawyer Javad Javadov was allowed in to support Taleh," he told Forum 18 from Baku on 28 June.

The 29-year-old Bagirov (also known as Bagirzade) faces charges under Criminal Code Article 234.1. This punishes the illegal purchase or storage, without a commercial purpose, of drugs or psychotropic substances in a quantity exceeding that necessary for personal consumption. The maximum sentence is a prison term of up to three years.

Javadov told Forum 18 that an examination on Bagirov found that he was not a drug user. The lawyer fears that prosecutors now want to add accusations that Bagirov conducted anti-state activity under Criminal Code Article 281 ("Public appeals for violence directed against the state") or Article 283 ("Inciting national, racial or religious hatred").

He said that investigators are waiting for an "expert analysis" of videos of his sermons at the Hazrat Abulfaz Aga Mosque. The analysis is being conducted by the Justice Ministry, together with the State Committee for Work with Religious Organisations. Such "expert analyses" are an integral part of Azerbaijan's censorship system.

"These videos are freely available on YouTube," his lawyer Javadov told Forum 18. He pointed out that Bagirov's criticism of the government were not calls for violent action against the state. Aliyev similarly stressed that Bagirov "did not call for the violent overthrow of the government", he told Forum 18. "Indeed, he always said it would be wrong to forcibly change the government."

No comment

Aliyev had tried as a relative to gain access to Imam Bagirov in Kurdakhani pre-trial Investigation Prison, but was refused. "I haven't seen Taleh since the day before his arrest in March." He said both Bagirov's brothers (he has no sisters) have been to the prison "so many times" but have been denied entry.

The Ombudsperson's Office noted in a 24 June statement on its website that it had sent its representatives to visit Bagirov and two other prisoners detained on political grounds.

"The people visited made no complaints about the detention conditions and treatment but some of them did convey their dissatisfaction with the investigations against them," the statement claimed.

No one at the Ombudsperson's Office was willing to discuss Bagirov's case. Ravan Samedov of its National Preventive Mechanism told Forum 18 on 27 June that "I am not the right person to ask". He referred Forum 18 to spokesperson Zemfira Maharramli, but her phone went unanswered each time Forum 18 called on 27 and 28 June.

The telephone of Vusal Salehov, the Investigator at the Police Department for the Fight Against Organised Crime who is handling Bagirov's case, went unanswered each time Forum 18 called on 27 and 28 June.

Forum 18 was unable to reach Aqil Shirinov, head of the State Committee's Expertise Department, or State Committee spokesperson Orhan Ali. Neither was in the office when Forum 18 called on 28 June.

Driver's trial imminent?

The criminal case against Melikov, Bagirov's driver, has already been completed and handed to Baku's Sabunchu District Court, his lawyer Bahtiyar Hajiyev told Forum 18 from Baku on 27 June. No judge has yet been appointed to hear the case.

The case was prepared by Investigator Shohrat Huseynov of the Police Department for the Fight Against Organised Crime. Melikov is accused under:

Criminal Code Article 228.1 ("Illegal purchase, transfer, sale, storage, transportation or carrying of firearms, accessories, supplies and ammunition (except for a hunting rifle), and explosives"), which carries a maximum sentence of three years in jail;

and Article 228.4 (" Illegal purchase, selling or carrying of a gas weapon or knife, except in districts where carrying of a knife is an accessory of national dress or connected to hunting"), which carries a maximum sentence of one year in jail.

Hajiyev says his client rejects both charges, which relate to the police's discovery in the car Melikov was driving of a knife and alleged discovery of a Makarov pistol and four

bullets. "He had a household knife in the boot of the car, but they claim it was in his trouser pocket," Hajiyev told Forum 18.

"Anar only admitted to having a gun and bullets after beatings and threats by police during his initial detention. He renounced this testimony as soon as he engaged me as his lawyer." Hajiyev added that a forensic examination of the gun found none of Melikov's fingerprints on it.

Melikov is, like Bagirov, being held in pre-trial Investigation Prison in Kurdakhani near Baku. "Anar is able to conduct religious rituals and have a copy of the Koran," Hajiyev said.

Melikov is in his early thirties. A bachelor, he has a sick mother, while his father works in Israel. "The law allows him to have visits in prison from relatives, who could talk to him through a glass window," Hajiyev told Forum 18. "But Anar doesn't want his mother to see him in prison."

Conscientious objectors amnestied

Of the two known imprisoned conscientious objectors, Fakhraddin Mirzayev was amnestied on 22 May after eight months' imprisonment and Kamran Mirzayev (no relation) was amnestied on 20 June after three months' imprisonment, Jehovah's Witnesses told Forum 18.

The amnesty was approved on 7 May by parliament, the Milli Mejlis, to mark what would have been the late President Heydar Aliiev's 90th birthday. Prisoners who fell under the terms of the amnesty had their cases reviewed and were gradually released.

Both conscientious objectors had been imprisoned 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]". Both were arrested in the courtroom and imprisoned once their verdicts were handed down.

Fakhraddin Mirzayev, a 20-year-old Jehovah's Witness from Gyanja, was sentenced at Gyanja's Kapaz District Court on 25 September 2012 to one year's imprisonment. On 21 November 2012 Gyanja Appeal Court upheld the decision of the lower court.

Fakhraddin Mirzayev's next appeal, at Azerbaijan's Supreme Court in Baku, was heard on 4 June, after his release. However, a panel of three judges chaired by Judge Imran Hajigayibov rejected his appeal, Jehovah's Witnesses told Forum 18. They noted that the written decision had still not been issued as of 28 June.

Forum 18 could not find out why the written decision has not yet been issued. Telephones at the Supreme Court went unanswered each time Forum 18 called on 27 and 28 June.

Fakhraddin Mirzayev was included in the 22 January 2013 list of political prisoners in Azerbaijan prepared by Christoph Strässer, Rapporteur of the Council of Europe Parliamentary Assembly Committee on Legal Affairs and Human Rights (Doc. 13079 Add).

Kamran Mirzayev is an 18-year-old Jehovah's Witness who lived in Baku, but is originally from the town of Goychay [Göyçay] in central Azerbaijan. He was sentenced to nine months' imprisonment on 12 March at Goychay Court.

Kamran Mirzayev appealed to Sheki Appeal Court, but on 15 May a panel of three judges chaired by Judge Humbat Salimov rejected his appeal, Jehovah's Witnesses told Forum 18.

Appeals to the European Court of Human Rights

Three former imprisoned conscientious objectors have lodged cases to the European Court of Human Rights in Strasbourg:

Mushfiq Mammedov and Samir Huseynov v. Azerbaijan (Application No. 14604/08);

and Farid Mammedov v. Azerbaijan (Application No. 45823/11).

All three had been convicted under Criminal Code Article 321.1. However, no admissibility decisions have yet been taken, the Court told Forum 18 on 12 June.

Harsh fines cancelled, banned books list publication soon?

Forum 18 (02.05.2013) - Two Baptists in Azerbaijan's north-eastern Zakatala [Zaqatala] District - Pastor Zaur Balaev and Hinayat Shabanova - have had harsh fines overturned on appeal, Forum 18 News Service has learnt. Both had been punished for participating in unregistered religious meetings in their home village of Aliabad. The Baptists have sought state registration for their community in vain since 1994, an Azerbaijani record. "The fines have been cancelled, but that still doesn't mean we can meet for worship," a fellow-Baptist told Forum 18 from Aliabad on 1 May. "Because we have no registration we have no right to meet."

The State Committee for Work with Religious Organisations has announced that it will make a list of banned books public, but without giving a date for this. And more changes to the Religion Law restricting where religious literature and other materials can be sold and requiring such items to be marked with special stickers before they can be sold have been approved by President Ilham Aliiev. Concern has also been expressed about a school textbook that denigrates some faiths (see below).

Fines overturned

On 25 April, Judge Inshallah Kuliiev of the Administrative Division of Sheki Appeal Court overturned the fine handed down on Pastor Balaev. The same day, Judge Qadim Babayev overturned the fine on Shabanova, according to the decisions seen by Forum 18. Both had been punished for exercising their right to freedom of religion or belief. The Judges gave the reason as the length of time between the religious meetings for which they were punished - November 2012 - and the date of the first court hearing in March 2013. Under Article 36 of the Code of Administrative Offences, prosecutions should be brought within two months.

Azizaga Mamedov, Head of Sheki Appeal Court Administration, confirmed the overturning of the lower court decisions but refused to discuss the cases with Forum 18 on 30 April.

Neither Pastor Balaev nor Shabanova attended the Appeal Court hearings, Baptists told Forum 18, as they feared being pressured by prosecutors or the judges. The two received copies of the decisions in writing on 29 April.

Pastor Balaev and Shabanova had each been found guilty at Zakatala District Court on 29 March of violating Article 299.0.3 of the Code of Administrative Offences. This 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". Punishment for individuals is a fine of 1,500 to 2,000 Manats.

Balaev and Shabanova were each fined 1,500 Manats (11,000 Norwegian Kroner, 1,500 Euros or 2,000 US Dollars). The sums represent more than a year's average local wages for a manual worker.

Former prisoner of conscience Pastor Balaev – who is caring for his wife suffering from cancer – was imprisoned from May 2007 to March 2008 for his faith. Shabanova's husband – Pastor Hamid Shabanov – was held in pre-trial detention from June to November 2008, and in February 2009 he was given a two-year suspended sentence on charges he and his fellow-Baptists insisted were fabricated to punish him for exercising his freedom of religion or belief.

Shabanova was brought to court in place of her husband, who was away in Russia, where their grandchild was undergoing a serious operation. The fines were imposed after raids on the Balaev and Shabanov family homes in Aliabad in November 2012. Police warned those present that meeting for religious worship without registration is "illegal". They seized religious literature – including Bibles – in Azeri, Russian and Georgian. (The Balaevs and the Shabanovs are from the local Georgian-speaking minority.) Local police refused to discuss with Forum 18 why they had raided the two homes and seized religious literature.

Baptists told Forum 18 from Aliabad that, as of 1 May, the confiscated religious literature had still not been returned, despite earlier police promises that it would be.

Pastor Balaev and Shabanova are also considering complaining to the Justice Ministry and the Interior Ministry over threats against them from Judge Imanverdi Shukurov and the police during the March hearings at Zakatala District Court.

Banned religious publications list to be public?

The State Committee for Work with Religious Organisations is preparing to publish "soon" a list of religious publications it has banned, Committee Chair Iskenderov told the local news agency 1news.az on 12 April.

State Committee officials have repeatedly stated that they have a list of banned books, but have repeatedly declined to make it public. Forum 18 has been seeking – in vain – a copy of the list of religious books the State Committee has refused to give permission for.

Orhan Ali, the State Committee spokesperson, told Forum 18 on 30 April it was still not possible to supply the list. "Work in this direction is currently in progress. This will be announced in the near future."

Forum 18 is aware that since Iskenderov's announcement that the list is finally to be published, members of religious communities have also asked the State Committee for a copy, so far in vain.

An official of the State Committee's Expertise Department – which conducts the compulsory prior censorship of all religious literature and which maintains the banned publications list – told Forum 18 on 30 April that "we're still working on the list". The official, who would not give his name, was unable to say when the list would be

published. He repeatedly refused to say even approximately how many items are on the list. "There are not so many," was all he would say. "Not as many as 100."

The official insisted that five key religious texts – including the Koran and the Bible – are not subject to compulsory censorship. "But for other books, people must apply to us." He refused to explain why the request by the Baptists to import 3,500 Bibles had been rejected. They were allowed to import only 1,000.

The official claimed that permission requests took "maybe one week" if a book is short, and "if the book is very long, the review might last more than two weeks". He refused to explain why the Baptists had to wait three months for a response when they requested permission to import the Bibles.

Jehovah's Witnesses have repeatedly tried to challenge State Committee censorship of their religious publications in court, so far with no success.

Seizures

Police and other state officials frequently seize religious literature in raids on religious meetings. In mid-March, Baku-based Muslim Zeka Miragayev lodged a further appeal to Baku Appeal Court in his case against the police and National Security Ministry (NSM) secret police who raided his private home in May 2012 and seized religious literature, including Korans. "They've given us no date for when the appeal is due to be heard," Miragayev's friends lamented to Forum 18 from Baku on 2 May. They added that the confiscated books have still not been returned, one year after their seizure.

Judge Farmayil Zeynalli of Administrative Economic Court No. 2 had rejected Miragayev's suit against the police and NSM secret police on 25 January.

An official of Baku Appeal Court's Civil Division, who gave her name as Elada, told Forum 18 on 2 May that she is familiar with the case. But she said Administrative Economic Court No. 2 has not yet passed on the documentation in the case, so Baku Appeal Court cannot process it. She did not know why the documentation has not been passed on.

Judge Zeynalli's assistant at Administrative Economic Court No. 2 – who would not give his name – insisted to Forum 18 on 2 May that the court has passed on the appeal to Baku Appeal Court on 29 March.

Religious literature is also frequently confiscated on the border. Several sets of the 15-volume collection of writings by the late Turkish Muslim theologian Said Nursi were confiscated at Gyanja Airport in March from an Azerbaijani citizen returning from Istanbul in Turkey. "Customs officers seized the books with no documentation," the individual's friends complained to Forum 18 on 2 May.

They added that travellers with two or three religious books generally do not face problems. "But having more religious books than for personal usage creates problems. People know this and try not to carry too many such books."

Religious literature was seized from the Byakov family in September 2012 as they returned from Russia and was sent to the State Committee in Baku for "expert analysis". The family minibus was also seized.

The minibus was subsequently returned. But in November 2012, two months after the confiscation, Khachmaz District Court ruled that, although the State Committee had found that the literature contained nothing against the law, it should be the property of the state, Pavel Byakov told Forum 18 from Sumgait on 1 May. "They wouldn't give the

decision in writing." However, he noted that threats of fines against family members had been dropped.

More religious censorship

Further amendments to the Religion Law tightening controls over sale of religious materials – including literature – have entered into force. The amendments were signed into law by President Aliiev on 10 April, the presidential website noted.

The amendments provide for a revised Article 22, which now requires all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country. It also requires that religious materials be sold only in specially designated shops.

In defiance of its binding international human rights commitments, Azerbaijan repeatedly increases punishment for exercising freedom of religion or belief. The latest censorship amendments follow earlier censorship changes made in July 2012.

Azerbaijan's parliament, the Milli Mejlis, had approved the latest censorship amendments on 22 February. The amendments were part of numerous other legal changes increasing state control over religious communities and religious activity.

Elshad Iskenderov, Chair of the State Committee, told 1news.az on 12 April – the day the amendments were officially published - that "soon books of religious content will bear holograms".

Speaking while on a visit to the town of Shemakha, Iskenderov insisted that local printers and publishers should be meeting the demand for religious literature. "But in the question of producing and importing religious literature no limitations will be introduced," 1news.az quoted him as claiming.

School textbook concerns

The head of the Yeni Nesil Journalists' Union and two religious leaders – one Jewish and one Christian - have expressed concern about a school textbook which denigrates Judaism and Christianity, Rashad Rustamov noted in the Russian-language Baku newspaper "Zerkalo" on 20 April. He said the textbook was approved by the Education Ministry in July 2012.

The 77-page textbook – "Life Knowledge" by Nushaba Mammadova and Aynur Bagmanli – was published in 2012 by the Education Ministry's publishing house in Azeri and in Russian-language translation (with the title "Knowledge of the World"), according to the Azerbaijan National Library catalogue. It is used for children in the fifth class, who are aged 10 or 11.

The book states on page 57 of the Russian-language edition that Adam was the first person and first prophet. "All prophets from Adam to the prophet Jesus preached to the people the faith in one God and how one should worship him. However, the bases and dictates of the faith which they preached have gradually been broken, and the originals have been lost. For example, over time such traditional religions as Christianity and Judaism have with time been changed by Christian and Jewish religious figures and have lost their original meaning. Then the Almighty Allah decided to warn all people and chose the Prophet Muhammad (pbuh) in order that he could bring them the most perfect religion – Islam. Islam is today the most perfect religion on Earth and the most acceptable from Allah."

Rustamov asks how acceptable such sentiments are. He notes that Azerbaijan is a secular state and that the Constitution guarantees equal rights to people of all faiths.

Faik Shahbazli, head of the Textbook and Publication Department of the Education Ministry, refused absolutely to answer any of Forum 18's questions on whether he had authorised the textbook for use in schools, why such remarks had been included, whether any complaints had arrived at the Ministry about them and whether the Ministry plans to amend this part of the text. "You must ask your questions via the Ministry's press officer Bayram Huseynzada," he kept repeating to Forum 18 on 1 May.

Forum 18 repeatedly tried to reach Huseynzada at the Education Ministry on 1 and 2 May, but each time his telephone went unanswered. Forum 18 also submitted its questions to him in writing on 1 May, but had not received a response by the end of the working day in Baku on 2 May.

"Exaltation of one religion and denigration of another"

Arif Aliev, head of the Yeni Nesil Journalists' Union, told "Zerkalo" that which religion is more perfect or has been changed is a matter for theological discussion. "Such an issue should not be included in a 5th class school textbook." He criticised the authors of the textbook for including such remarks.

The head of the organisation of the Mountain Jews, Melikh Yevdaev, was more critical. "This is an insult to our religion," he told "Zerkalo". He questioned the textbook's assertion that some faiths had been changed. "Are they saying we changed the Torah?" He noted that not one letter of the Torah can be changed. "That would be blasphemy."

The head of the Baptist Union, Ilya Zenchenko, told the paper that the comments represent "the exaltation of one religion and the denigration of another". He said this was a matter for theological debate "and it is not necessary to drag school pupils into this discussion". He added that one of his sons is in the 5th class and had to use the Russian-language textbook.

Heavy fines follow police raids and confiscations

Forum 18 (02.04.2013) - Two Baptists in Azerbaijan's north-eastern Zakatala [Zaqatala] District - Pastor Zaur Balaev and Hinayat Shabanova - have been given heavy fines to punish them for exercising their right to freedom of religion or belief, Forum 18 News Service has learnt. The fines are equivalent to more than a year's wages for a local manual labourer. Pastor Balaev - who is caring for his wife who is suffering with cancer - has already served a prison term for his faith. Shabanova's husband - Pastor Hamid Shabanov - has similarly been imprisoned. Their religious community has been seeking in vain for state registration - or permission to exist - since 1994, the longest known period for any religious community in Azerbaijan.

Meanwhile, Baku-based Muslim Zeka Miragayev is lodging a further appeal in his case against the police and National Security Ministry (NSM) secret police who raided his private home and seized religious literature.

No-one at the State Committee for Work with Religious Organisations would explain why individuals continue to be punished for exercising their right to freedom of religion or belief. Officials who answered the phone of State Committee spokesperson Orhan Ali on 4 April told Forum 18 to call back in an hour. Eventually an official told Forum 18 that he was out of the country and no-one else could answer Forum 18's questions.

These cases come as a second Jehovah's Witness conscientious objector is imprisoned in Azerbaijan (see forthcoming F18News article).

They also come amid a wave of amendments to laws increasing existing restrictions on the exercise of freedom of religion or belief (see below).

Massive fines

Police came in late March to the homes of two local Baptist families, the Balaevs and the Shabanovs, in the village of Aliabad near the regional centre Zakatala in north-western Azerbaijan. Police warned them that they were about to face court hearings related to the police's November 2012 raids. Their Baptist congregation first started applying for state registration in 1994, and has repeatedly been rejected on what the community regards as spurious grounds.

On 29 March, Pastor Balaev and Hinayat Shabanova were summoned to separate hearings at Zakatala District Court. Shabanova was brought to court and fined in place of her husband Hamid Shabanov, who was away in Russia, as their grandchild is undergoing a serious operation. Appearing in court for the police was Lieutenant Shahlar Mammadov, the former local policeman for Aliabad.

Judge Imanverdi Shukurov found each of them guilty of violating Article 299.0.3 of the Code of Administrative Offences. This 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". Punishment for individuals is a fine of 1,500 to 2,000 Manats. Balaev and Shabanova were each fined 1,500 Manats (11,000 Norwegian Kroner, 1,500 Euros or 2,000 US Dollars), according to the verdicts seen by Forum 18.

Government statistics claim that monthly wages across Azerbaijan in January 2013 averaged nearly 400 Manats, making these fines nearly four months' average wages. However, Zakatala is a poor, remote region with lower incomes than elsewhere. Average local wages for manual workers can be as low as 120 Manats per month.

"I can't pay this amount," Shabanova told Forum 18 from Aliabad on 4 April. "I am worrying over how I will find this money," Balaev told Forum 18 from Aliabad on 3 April. He is also caring at home for his sick wife, Nunuka.

"I am not intending to appeal against the fine, as what I was sentenced for I did," Balaev told Forum 18. "There's no point. I would rather take the State Committee to court for refusing to register us for so many years."

Balaev fears that – as a community that has been denied legal status - it will no longer be possible for the Baptists to meet for worship without risk of further punishment. Like other local Protestants, he said the church would like to be able to celebrate Easter on 5 May.

Fines follow raids

The fines were imposed after raids on the Balaev and Shabanov family homes in Aliabad on 7 November 2012. Police warned those present that meeting for religious worship without registration is "illegal". They seized religious literature – including Bibles – in Azeri, Russian and Georgian. (The Balaevs and the Shabanovs are from the local Georgian-speaking minority.) Balaev and his wife were away at the time, as she was seeking cancer treatment in Moscow.

Lieutenant Mammadov told Balaev at the court that the police were ready to return the confiscated books. However, Balaev told Forum 18 he has not yet tried to recover them.

The duty officer at Zakatala District Police – who would not give his name – defended the prosecution of Balaev and Shabanova. "We have the legal basis to fine them," he insisted to Forum 18 from Zakatala on 28 March, the day before the hearing. "No one suffers just because of their faith. Anyone can pray, but they did something." He refused to explain what they had done that was illegal.

Colonel Arif Babayev, head of Zakatala District Police, confirmed to Forum 18 on 4 April that Lieutenant Mammadov had been the local police officer for Aliabad until late 2012, when he was transferred to another village. However, the police chief refused to discuss why Balaev and Shabanova had been fined to punish them for exercising the right to freedom of religion or belief. "This is an issue for prosecutors," he insisted before putting the phone down.

Judge Shukurov of Zakatala District Court refused absolutely to discuss why he had fined the two to punish them for their religious activity. "I don't have to answer you," he told Forum 18 from Zakatala on 3 April before putting the phone down.

Mehman Ismayilov, the Zakatala-based north-western regional representative of the State Committee, refused absolutely to answer any of Forum 18's questions on 4 April.

Further appeal against raid

Baku-based Muslim Miragayev is taking his challenge to the police who raided his home to Baku Appeal Court, as he told Forum 18 from Baku on 27 March. He said he expects a date for the next hearing to be named soon.

Miragayev's home was raided by officers of the city's Narimanov District's 18th Police Station and NSM secret police without a warrant on 31 May 2012, during which Korans and other religious books were seized. Those present in his home were taken for questioning.

Miragayev had difficulty getting a court to accept his suit against the police and secret police. Two courts refused to take the case, but Baku's Administrative Economic Court No. 2 finally accepted it in September 2012.

Judge Farmayil Zeynalli of Administrative Economic Court No. 2 finally rejected Miragayev's suit on 25 January, according to the verdict seen by Forum 18. "Courts in Azerbaijan are on the side of the government and are not independent," Miragayev lamented to Forum 18. "This was an unjust decision. And they are not intending to return our confiscated books."

Legal changes affecting foreign grants

Meanwhile, the Milli Mejlis (Parliament) and President Ilham Aliiev continue to amend Azerbaijan's already restrictive Religion Law and other laws. The latest amendments concentrate on making more difficult religious communities' receipt of donations, as well as increasing state controls still further over the distribution of religious literature and other materials.

Amendments to the Religion Law's Article 18 banning religious communities from offering or giving blessings or material benefits in exchange for donations were approved in parliament on 15 February, according to the the Milli Mejlis website. The amendments were signed into law by President Aliiev on 12 March, according to the presidential website.

Also on 15 February, amid much vocal opposition, the Milli Mejlis adopted amendments to the Law on Grants. This also amended the Religion Law by requiring religious communities, as well as all non-governmental organisations, to have grant agreements which are available for official scrutiny before they can accept foreign donations. A total of 92 deputies backed the amendments, with only three voting against. President Aliev signed the amendments into law on 11 March, according to the presidential website.

Also approved in parliament on 15 February were amendments to the Code of Administrative Offences. Article 223-1 was amended to increase punishments for "illegal" receipt of grants. One provision was added, Article 223-1.3, which specifically includes religious organisations among non-governmental organisations which can be punished for failing to obtain and make available to officials their agreements to receive foreign grants. In addition to confiscation of the grants, fines on officials of organisations are from 2,500 to 5,000 Manats, while organisations are subject to fines of between 8,000 and 15,000 Manats. President Aliev signed the amendments into law on 11 March, according to the presidential website.

Legal changes increasing censorship

The Milli Mejlis also approved further Religion Law amendments on 22 February, the parliamentary website noted. A revised Article 22 requires all religious materials, such as books, video and audiotapes, and discs to be specially marked to show they are allowed for sale in the country. It also required that religious materials be sold only in specially designated shops. The presidential website does not record that President Aliev has yet signed these amendments into law.

In a decree of 6 February, President Aliev amended parts of the State Committee for Work with Religious Organisations' statute referring to religious literature, the presidential website noted. The amendments replace the two references to "religious literature, articles, and other information materials of religious content" to "religious literature (paper and electronic media), audio and video materials, goods and products, and other informational materials of religious content". All are now subject to control by the State Committee.

Censorship of religious literature has existed for many years in Azerbaijan. All religious literature must already 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. Religious book shops already need State Committee licences. Legal changes in summer 2012 required verification marks for religious publications, billed as tax, customs and consumer protection measures.

Latest censorship cases

Among the many religious communities facing State Committee obstruction to receiving religious literature is Azerbaijan's Baptist Union. Its head, Pastor Ilya Zenchenko, wrote a letter of protest to State Committee chair Elshad Iskenderov in mid-March after the State Committee rejected his application to import 3,500 copies of the Bible in Azeri. They would authorise only 1,000 copies, Zenchenko complained to Forum 18.

Zenchenko insisted to the State Committee that Azerbaijan's Constitution guarantees freedom of religion and freedom of speech, but he says they merely repeated their insistence on allowing only 1,000 copies. He also complained that he filed his request with the State Committee in late 2012 and had to wait three months for a response.

Jehovah's Witnesses have lodged several legal challenges to similar State Committee decisions reducing the quantities of religious literature it approves for import. On 20 February, the Supreme Court in Baku rejected their appeal against an earlier decision by Baku Appeal Court upholding the initial rejection of their suit against the State Committee by Baku's Administrative Economic Court No. 1.

Jehovah's Witnesses have been frequent victims of the government's censorship of all religious literature.

European Court of Human Rights allows Azerbaijan government to stop mosque worship and take building

Becket Fund (11.02.2013) - On Friday, 8 February 2013, the European Court of Human Rights announced its rejection of the Juma Mosque Congregation's appeal against the government of Azerbaijan. The ruling came more than eight years after the mosque first sought relief from the Court when the mosque's building was seized by government security forces and the mosque's members expelled in 2004.

The mosque was targeted by the authorities because it would not agree to replace its existing religious leader, Ilgar Ibrahimoglu Allahverdiyev—a prominent democracy and religious liberty activist—with a government-appointed imam. Without a government-appointed and -controlled imam, the authorities refused to register the mosque, which meant the mosque could not own or rent property. The mosque had sought relief in the Azerbaijan courts and had then appealed the case to the ECHR with the help of The Becket Fund for Religious Liberty. The mosque sought the ability to register itself as a legal entity without submitting to the appointment of a government imam and to remain in the mosque building it had used for worship for the more than 12 years since Azerbaijan's independence from the Soviet Union in 1991.

In its decision, the ECHR did not reach the merits of the mosque's religious freedom claims, basing its ruling instead on technical legal defenses raised by the government. With respect to the mosque's claim for registration, the Court held that the mosque should have brought suit against a different government agency in addition to the ones it had sued. And with respect to the mosque's building, the Court held that the original permission from the government to use the mosque could be revoked unilaterally without regard to whether the revocation was meant to suppress the mosque. The ECHR's decision means that the mosque cannot legally operate in Azerbaijan or use its building, which is located in the historic center of Azerbaijan's capital Baku and is one of the oldest houses of worship in Azerbaijan.

"Justice for the Juma Mosque Congregation has been both delayed and denied," said Eric Rassbach, Deputy General Counsel of the Becket Fund and the lawyer that filed the Mosque's appeal in April 2004. "It is bad enough that the Court rested its decision on dubious factual defenses by the government, but to take eight years to reach this decision is doubly damaging because it left the mosque's rights in limbo for so long." "What's worse is that this decision will only embolden autocratic governments to engage in registration abuse against minority or dissident religious groups, especially in the former Soviet space," Rassbach added.

Registration abuse occurs when a government uses its discretionary power to deny legal identity to a religious organization on arbitrary grounds. It is a widespread phenomenon in countries in transition to democracy and especially the former Soviet states; registration as a legal entity is typically denied to minority, non-traditional, or dissident religious groups.

The background of the case is rooted in the struggle for democracy in Azerbaijan. Allahverdiyev was targeted by government security forces after a 2003 post-election crackdown on dissenting voices in Azerbaijan. After first taking refuge in the Norwegian Embassy, Allahverdiyev was later arrested and given what the ECHR, in a separate appeal, found to be an unfair trial

The Becket Fund was co-counsel on the case with leading European human rights advocate Prof. Bill Bowring of the University of London, Birkbeck College School of Law.

See the decision of the European Court at http://www.becketfund.org/wp-content/uploads/2013/02/ECHR-Letter_11-01-13-short.pdf

No legal place of worship for a 40,000-strong town

Forum 18 (17.01.2013) - The only registered Muslim community in the town of Hirdalan near the Azerbaijani capital Baku has had its legal status stripped from it. This leaves the town's 40,000 residents with no legal place of worship for any faith. This is the second time known to Forum 18 News Service that the State Committee for Work with Religious Organisations has succeeded in court in having a religious community's registration with the Justice Ministry stripped from it. The first, Baku's Greater Grace Protestant Church, failed in its last-ditch Supreme Court challenge on 9 January. Losing legal status is a crippling blow for a religious community as – in defiance of Azerbaijan's international human rights obligations – any religious activity without state registration is illegal and punishable.

An official of the Justice Ministry's Registration Department in Baku refused to explain how a different state agency could go to court to liquidate legal status granted by the Ministry. "We're not authorised to answer questions by telephone," the official – who would not give her name – told Forum 18 on 16 January.

An official of the State Committee told Forum 18 on 16 or 17 January that its spokesperson Orhan Ali was out of the office and that only he could give official comment.

Stripping a religious community of its legal status leaves it – like many other religious communities arbitrarily denied legal status – in a state of insecurity. Under Azerbaijan's harsh Religion Law, all religious activity without state permission is illegal and subject to punishment. Administrative fines for unregistered religious activity were massively increased in December 2010.

Some of Azerbaijan's many victims of police and National Security Ministry (NSM) secret police raids on meetings for worship and private homes are seeking accountability for those involved both in local courts and through the European Court of Human Rights in Strasbourg.

Another Justice Ministry registration liquidated

The State Committee announced only on 10 January through the local media that it had liquidated through the court the legal status of another Muslim community. It did not reveal that the liquidation had happened four months earlier.

The liquidated community was the only registered Muslim community in Hirdalan, a town in Absheron District near Baku. The town has more than 40,000 residents. The published list of the 576 religious communities which have state registration on the State

Committee website (which has not changed since June 2012) does not appear to include any religious community in Hirdalan. Only seven Muslim communities are registered in Absheron District, all of them in other small towns and villages. The District Executive puts the population of the District at 283,000.

Judge Zaur Pirverdiyev of Sumgait's Administrative Economic Court had liquidated the Hirdalan Muslim community on 7 September 2012, a court official told Forum 18. The official – who would not give his name – said that the decision had been taken in the community's absence. "Twice they were given written notice of the case but didn't come," he told Forum 18 from Sumgait on 14 January. "So the court went ahead and heard the suit."

The court official added that the community had failed to lodge an appeal against the liquidation within the specified ten days, and the court decision therefore entered into legal force a month after it was issued. The court official said he did not know why the State Committee had only just made the liquidation public. "That's their problem," the official told Forum 18. "But in any case, we have no requirement to make decisions public."

The State Committee told the local media that the Hirdalan Muslim community had gained registration with the Justice Ministry on 9 July 2004. The State Committee said it had lodged the liquidation suit as the community had failed to lodge a re-registration application with it in line with the 2009 Religion Law amendments by the deadline of 1 January 2010. The State Committee did not explain why it believed it had the right to seek the liquidation of the registration granted by a different government agency.

Neman Akhadov, the State Committee representative for Sumgait and Absheron, refused absolutely to discuss the closure with Forum 18 on 15 January. "Who are you?" he asked several times before terminating the call.

Salman Musaev, deputy head of the government-backed Caucasian Muslim Board, declined to discuss the enforced closure of the Hirdalan Muslim community with Forum 18 on 15 January.

Protestant Church's final appeal fails

The liquidation of the Hirdalan Muslim community came after a similar court case in Baku to strip the city's Greater Grace Protestant Church of its legal status. Judge Nigar Rasulbeyova of Azerbaijan's Supreme Court rejected the Church's last-ditch appeal against the liquidation on 9 January. "The hearing lasted just eight minutes," church members told Forum 18. The Church has no further opportunities to challenge the stripping of legal status through the Azerbaijani court system.

As with the Hirdalan Muslim community, Greater Grace Church had gained its registration from the Justice Ministry, years before the compulsory re-registration with the State Committee mandated by the harsh 2009 Religion Law amendments. Neither the State Committee nor the courts have explained how one state agency can bring a case to remove the state registration issued by another.

The Church gained its Justice Ministry registration in 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. In April 2012, Baku's Administrative Economic Court No. 1 upheld the State Committee's suit. The Appeal Court rejected the Church's appeal in July 2012, after which the Church lodged its appeal to the Supreme Court.

Historic Baha'i building destroyed

Meanwhile, Baku's Baha'i community is lamenting the destruction of a building in the city centre closely connected with the early years of their faith. The house on what is now Mirzaga Aliyev Street in central Baku was demolished in late 2012 as part of redevelopment plans.

The community had been requesting the building's return – in vain – since the mid-2000s. It had planned to use the building as a meeting place and as a museum of the history of the Baha'i faith in the country.

The house had been bought in 1880, but was confiscated from the community in the 1930s during the Soviet anti-religious campaign. "We want it because it is the only building in the world named after Abdul Baba, the son of our prophet," a community member told Forum 18 in 2005, as the campaign to regain the building from the government began. The community member warned then that its destruction "would wipe out all historical traces of the early Baha'i community here".

The house was being used as a kindergarten when the community began seeking its return. "We applied to all government agencies, but got no results," a Baha'i told Forum 18 from Baku in early January 2013. "When we several times during the last ten years applied to the government regarding regaining this property, we were told that there is no law to regulate these issues and so there is no way to restore it and give back."

Azerbaijan has never adopted a law to return places of worship or other property confiscated from religious communities during the Soviet period. Although some surviving places of worship – including mosques and Russian Orthodox churches – were returned to religious use, others were not. Among those in Baku not returned are: the former Ashkenazi synagogue, now a song theatre; the former Baptist church, now a mime theatre; and the former Lutheran Kirche, now a concert hall, but which the Lutherans (and several other Protestant congregations) can use on Sundays.

Baku's Baptist church is continuing to seek the return of their historic church building in the city centre, located close to the main railway station. "We applied again but unfortunately in summer 2012 the Culture Ministry wrote back to say we should not have it as we already have a church in Baku," the head of the Baptist Union, Ilya Zenchenko, told Forum 18 from Baku on 17 January. "But we'll continue to press for its return."

Built in the first decade of the twentieth century, the Baptist church was dedicated in 1911 but confiscated by the Soviet authorities in 1930. Zenchenko's grandfather was among those who built the church.

Conscientious objector's appeal fails

On 21 November 2012 a panel of three judges at Gyanja Appeal Court chaired by Chingiz Mammadov upheld the decision of the lower court sentencing Fakhraddin Mirzayev to one year's imprisonment, the court website noted. Mirzayev was present in court for the appeal hearing, Jehovah's Witnesses told Forum 18.

The 19-year-old Mirzayev is a Jehovah's Witness from Gyanja [Gäncä] who rejects compulsory military service on grounds of religious conscience. He was sentenced on 25 September 2012 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]".

When Azerbaijan entered the Council of Europe in 2001, it committed itself to pardon and

free imprisoned conscientious objectors, and to introduce civilian alternative service, by January 2003. But it has to date failed to do so.

"Like the lower court, the appeal court did not mention any international laws in its analysis, despite them being argued extensively in Mirzayev's appeal," Jehovah's Witnesses complained to Forum 18. They added that Mirzayev intends to appeal further to Azerbaijan's Supreme Court.

Salyan prison camp

Originally held in Gyanja, after his appeal was rejected Mirzayev was transferred to prison camp No. 5 in the village of Halaj near Salyan, southwest of Baku.

The prison address is:

5 nomreli Cezacekme muessisesi

Halaj settlement

Salyan region

Azerbaijan

Eldar Zeynalov, head of the Baku-based Human Rights Centre of Azerbaijan, told Forum 18 that conditions at the prison camp have improved in the past ten years. However, he points out that the camp is difficult to get to, which could be regarded as an "additional punishment" on a prisoner and his family. He added that about two-thirds of the approximately 1,000 prisoners are drug-addicts.
