

27 July 2011

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

By Felix Corley, Forum 18

After a police raid in Azerbaijan's port city of Sumgait in mid-June, a judge gave the leader of a Baptist church, Pavel Byakov, a verbal warning not to meet for worship without state permission. The judge also warned that for a second "offence" Byakov will be fined, church members who asked not to be named for fear of state reprisals told Forum 18 News Service. A large quantity of literature confiscated in the raid has been given to the State Committee for Work with Religious Organisations, to decide whether the material is legal. Prolonged delays in dealing with applications for legal status still continue, over one and half years after the deadline for processing applications. In defiance of Azerbaijan's international human rights commitments unregistered religious activity is illegal. Two religious communities - Cathedral of Praise Protestant Church and Baku's Jehovah's Witness community - have challenged the State Committee's failure to re-register them through the courts, and Cathedral of Praise today (27 July) gained a court ruling that they should be re-registered. But it still remains unclear when or if this will happen.

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

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

The congregation was raided during Sunday morning worship on 12 June, the same day a Jehovah's Witness meeting was raided in a private home in Azerbaijan's second city Gyanja [Gəncə] (see F18News 13 June 2011 <http://www.forum18.org/Archive.php?article_id=1579>).

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

Literature not returned

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

No one at the State Committee was available to tell Forum 18 on 25 or 26 July why the literature had not been returned or what will now happen to it. Religious literature of all faiths is subject to prior compulsory censorship by the State Committee. Shops selling religious literature also need a licence from the State Committee and those which do not have the necessary licence are often raided by police and local officials of the State Committee (see F18News 12 April 2011 <http://www.forum18.org/Archive.php?article_id=1561>).

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

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

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

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

These long delays have caused great frustration among many religious communities. The harsh 2009 Religion Law specifies - in defiance of Azerbaijan's international human rights commitments - that unregistered religious activity is illegal (see F18News 7 April 2011 <http://www.forum18.org/Archive.php?article_id=1559>).

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

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

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

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

Despite State Committee claims that the old registration will be accepted by the authorities, some communities have still been forcibly prevented from meeting - in one case by riot police (see F18News 8 April 2011 <http://www.forum18.org/Archive.php?article_id=1560>).

Holy See - Azerbaijan Agreement

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

The Agreement was signed in the capital Baku on 29 April by the Holy See's then nuncio to Azerbaijan, Archbishop Claudio Gugerotti, and Orujev of the State Committee. It was ratified by the Milli Mejlis on 27 May (see F18News 8 June 2011 <http://www.forum18.org/Archive.php?article_id=1578>).

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

Court hearings, and hearings..

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

The Jehovah's Witness community failed in its suit at Sabail District Court - the local Baku court for the State Committee where such suits are initially heard - in July 2010. Its first appeal to Baku Appeal Court was rejected on 6 January 2011 (see F18News 24 January 2011 <http://www.forum18.org/Archive.php?article_id=1531>).

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

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

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

Cathedral of Praise - a congregation affiliated with the Word of Life Church in Sweden - failed in its suit to Sabail District Court in July 2010. Its first appeal was rejected at Baku Appeal Court in December 2010 (see F18News 7 April 2011 <http://www.forum18.org/Archive.php?article_id=1559>).

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

Church members are pleased by the court ruling, they told Forum 18 today but, following the latest legal changes increasing the number of founders needed, Cathedral of Praise now needs to find another 40 people willing to be identified as official founders. The increase was included in further amendments to the Religion Law approved by Parliament on 10 June (see F18News 13 June 2011 <http://www.forum18.org/Archive.php?article_id=1579>). The amendments were signed into law by President Ilham Aliyev and were published on the presidential website on 4 July.

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

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

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

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

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

A printer-friendly map of Azerbaijan is available at <<http://education.nationalgeographic.com/education/mapping/outline-map/?map=Azerbaijan>>.

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