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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

17 January 2013

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

By Felix Corley, Forum 18 (https://www.forum18.org)

The stripping of state registration from a Muslim community through the court leaves the 40,000 residents of Hirdalan near the Azerbaijani capital Baku with no legal place of worship of any faith, Forum 18 News Service notes. Neither the State Committee for Work with Religious Organisations – which brought the suit - nor the Justice Ministry would explain how one agency could seek the liquidation of legal status granted by the other. After a similar liquidation, Baku's Greater Grace Protestant Church, failed in its last-ditch Supreme Court challenge on 9 January. Meanwhile, Baku's Baha'i community is lamenting the demolition of a building in Baku significant to the early years of their faith, whose return they had repeatedly sought in vain. Imprisoned Jehovah's Witness conscientious objector Fakhraddin Mirzayev has been transferred to a prison near Salyan after he lost his appeal against his one year sentence.

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 (see F18News Azerbaijan religious freedom survey http://www.forum18.org/Archive.php?article_id=1690).

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 (see F18News 16 January 2013 http://www.forum18.org/Archive.php?article_id=1790).

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

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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 (see F18News 10 August 2012 http://www.forum18.org/Archive.php?article_id=1730).

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" (see F18News 23 November 2005 http://www.forum18.org/Archive.php?article_id=694).

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."

Copyright Forum18 News Service 2013 - Page 2/4

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 (see F18News 23 November 2005 http://www.forum18.org/Archive.php?article_id=694).

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 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]" (see F18News 16 October 2012 http://www.forum18.org/Archive.php?article_id=1755).

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 (see Forum 18's religious freedom survey of Azerbaijan http://www.forum18.org/Archive.php?article_id=1690).

"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. (END)

For more background information see Forum 18's Azerbaijan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1690.

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.

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