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AZERBAIJAN: Forced mosque liquidation, Baptists and Adventists told to liquidate themselves

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

Azerbaijan's Supreme Court has rejected an appeal by the capital Baku's Fatima Zahra mosque community against state-enforced liquidation. "They justified the decision by saying the mosque is to be demolished as an illegal structure," the community's lawyer Aslan Ismayilov told Forum 18 News Service. Many mosques, especially those used by Sunni Muslims, have been forcibly closed by the state. Also, the State Committee for Work with Religious Organisations has told the Baptist and Seventh-day Adventist Churches on 16 October that they would be re-registered, having applied in 2009 and then been rejected. But State Committee officials now insist that if the Adventists and Baptists do not liquidate themselves, form new communities and lodge new applications by the end of 2014, the State Committee will go to court to liquidate them. And the criminal trial of three Muslims - Eldeniz Hajiyev, Ismayil Mammadov and Revan Sabzaliyev – for allegedly using "illegal" religious literature and forming an "illegal" religious group is due to begin in Baku on 4 December. Raids and confiscations similar to those the three Muslims experienced continue.

Azerbaijan has still not granted large numbers of legal status applications lodged by religious communities before the end of 2009, as required by the Religion Law. Despite this, the State Committee for Work with Religious Organisations now claims that at least two of them will now receive registration. But this will only occur if they liquidate themselves and apply yet again as new organisations. "I've taken this responsibility on myself and I want very much to resolve the issue," Siyavush Heydarov, a Deputy Chair of the State Committee, insisted to Forum 18 News Service.

The claim comes as the Supreme Court finally rejected an appeal by the capital Baku's Fatima Zahra mosque community against enforced liquidation at the State Committee's request (see below).

Religious communities have repeatedly complained of arbitrary registration and re-registration denials. Azerbaijan insists that state permission is needed for people to meet together to exercise freedom of religion or belief, in defiance of its international human rights obligations. Lack of state registration can lead to police raids, confiscations of religious literature, fines and even criminal prosecutions (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

In Azerbaijan's exclave of Nakhichevan [Naxçıvan] in mid-November police reportedly detained an estimated 200 Muslims. Most were released after up to 48 hours in detention, but about 50 apparently remain in prison. About 50 mosques are also said to have been closed since the arrests (see F18News 4 December 2014 http://www.forum18.org/archive.php?article_id=2021).

Criminal trial to begin

The criminal trial is due to begin in Baku of three Muslims - Eldeniz Hajiyev, Ismayil Mammadov and Revan Sabzaliyev – who are facing charges of using "illegal" religious literature (with a maximum five year prison sentence) and creating an "illegal" religious group (with a maximum three year prison sentence). The trial is due to begin under Judge Akshin Afandiyev at the city's Yasamal District Court on 4 December, their friends told Forum 18 from Baku on 29 November.

The three men were in a meeting in a Baku home to discuss their faith raided by police in April. The three were freed from National Security Ministry (NSM) secret police pre-trial detention in September after being detained since the raid (see F18News 22 September 2014 http://www.forum18.org/archive.php?article_id=1999).

"Liquidate yourselves first"

State Committee Deputy Chair Heydarov summoned the leaders of the Baptist and Seventh-day Adventist Churches on 16 October, Baptist leader Pastor Ilya Zenchenko told Forum 18 from Baku on 28 November. Both churches had lodged re-registration applications in 2009 and been rejected (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690). "He told us he wanted to help and said we would finally get registration in November 2014," Pastor Zenchenko told Forum 18.

"But when we brought our documents again they said we would have to liquidate ourselves as an existing community, form a new community and apply anew," Pastor Zenchenko stated. The Baptists and Adventists are unsure how serious the State Committee's intentions are. "At first we were positive – we rejoiced, but now we're uncertain," Pastor Zenchenko added. He also noted that the State Committee have put none of their requests in writing. "We're now looking for a compromise."

One Adventist – who asked not to be identified – expressed concern about State Committee officials' insistence that if the Adventists and Baptists fail to liquidate themselves, form new communities and lodge new applications by the end of 2014, the State Committee will go to court to liquidate them.

State Committee Deputy Chair Heydarov, who worked for the NSM secret police in the 1990s and was appointed to the State Committee in May 2014, refused to discuss the latest demands made on the Baptists and Adventists, or whether similar demands had been made of other communities earlier denied registration. "I've taken this responsibility on myself and I want very much to resolve the issue," he claimed to Forum 18 on 1 December.

Heydarov refused to explain why re-registration applications made in 2009 by the Baptists, Adventists and many other communities cannot be considered in 2014. "I didn't work here then," he replied. He dismissed any other questions with the words "I don't have to account to you" before putting the phone down.

Sabina Allahverdiyeva, a lawyer who worked in the State Committee's Legal and Registration Department in 2009 and now heads it, totally refused to discuss why so many re-registration applications lodged by so many different religious communities have been ignored or rejected. "I have no right to give any information by telephone," she told Forum 18 on 1 December and put the phone down.

The most recent named communities publicly claimed by the State Committee to be registered were two in May 2012, the then total being 576 registered religious communities. (About 2,000 communities were thought to operate in some form before the 2009 Religion Law.) In May 2012, 555 registered communities were Muslim (which must be controlled by the state-backed Caucasian Muslim Board) with 21 communities from other faiths. Officials have claimed that a number of other Muslim communities have been registered since then, but as the State Committee has not updated the list published on its website this is impossible to verify independently (see F18News 28 June 2012 http://www.forum18.org/archive.php?article_id=1715).

Mosque community's final appeal fails

On 12 November, Judge Sevda Huseynova at the Supreme Court rejected the final appeal by the Fatima Zahra mosque community against enforced liquidation, according to court records. "They justified the decision by saying the mosque is to be demolished as an illegal structure," the community's lawyer Aslan Ismayilov – who represented the community members at the Supreme Court – told Forum 18 from Baku on 27 November.

The community gained state registration in 1992 and sought to build a mosque in the Yeni Guneshli residential district in Baku's Surakhani District. However, the half-finished building has not been completed. After state pressure on the community and threats to bulldoze the building, the Caucasian Muslim Board took it over in 2010 and promised to complete it with state backing (see F18News 5 April 2011 http://www.forum18.org/archive.php?article_id=1558).

However, the Board failed to do so and the community continued to meet for worship in the half-finished building. In early 2014 the State Committee moved to annul the state registration of the community. On 25 February Baku Administrative Economic Court No. 2 upheld the State Committee's suit (see F18News 28 May 2014 http://www.forum18.org/archive.php?article_id=1962).

Community members challenged the stripping of registration in Baku Appeal Court, but on 4 June Judge Ulvi Mayilov rejected their appeal, according to court records. Now the Supreme Court has rejected their further appeal community members are unable to appeal further within Azerbaijan.

Many mosques, especially those used by Sunni Muslims, have been forcibly closed by the state and the Caucasian Muslim Board in what appears to be a systemic campaign. These include the Lezgin Mosque in Baku's Old City (see F18News 18 November 2014 http://www.forum18.org/archive.php?article_id=2016).

Prevented from building mosque "is not right"

Individuals and communities have repeatedly raised the difficulties of gaining legal status with the State Committee, particularly during visits by State Committee officials to regions of the country. It was the first issue raised by local residents noted in the State Committee announcements of Chair Mubariz Qurbanli's visit to the central town of Shirvan on 21 October and to the southern town of Lankaran on 25 November.

A member of the Milli Mejlis (Parliament), Sabir Rustamkhanli, even raised the issue in a parliamentary debate on 22 October 2013, according to the official transcript of the debate. The deputy, who heads the small Civic Solidarity Party, represents a constituency in

Yardimli on Azerbaijan's southern border with Iran.

Rustamkhanli told deputies of cases when village communities got together to build mosques but were "stopped". Permission to build a mosque was then required from the State Committee or the Presidential Administration. "I cannot understand, if villagers voluntarily build a mosque with their own honestly earned money, if they want to build a mosque - there's a [legal] mosque in the neighbouring village - why does this have to be opposed? Why does a special bureaucratic obstacle have to be created here?"

Rustamkhanli said one such community in Yardimli, which had been building a mosque for the previous three years before being stopped, had approached him. "The people want to be able to get together. There is nowhere else for them to meet," he told his fellow deputies. "This has been opposed too. They have been waiting for three years for someone to give permission. This isn't right. Please tell the state bodies to clarify this."

Rustamkhanli did not respond to Forum 18's request to identify the village where permission was denied. Only 11 mosques are listed on the State Committee website as having the compulsory state registration in Yardimli District, which has a population of more than 60,000 people.

No registration – no rental

The Culture Ministry, which runs as a concert hall the confiscated church building built as Baku's Lutheran Church, decided in October that only registered religious communities can rent the building for religious use. Baku's Erlösergemeinde Lutheran community and New Life Pentecostal Church – both of which are among the few non-Muslim religious communities which have gained state registration – currently rent the building in separate slots on Sundays.

However, before October another Protestant congregation, Greater Grace Church, had also been renting the building on Sundays. Officials told church members that because the congregation has no state registration, further rental of the building was forbidden, Protestants told Forum 18 from Baku.

Greater Grace Church gained legal status with the Justice Ministry in the 1990s and chose not to re-register once the State Committee was established. The State Committee went to court to liquidate the community in 2011. The church lost its final appeal against the stripping of legal status in an eight-minute hearing at the Supreme Court in January 2013 (see F18News 17 January 2013 http://www.forum18.org/archive.php?article_id=1791).

Baha'is, Baptists and Lutherans with historic buildings in Baku have long sought their return without success (see eg. F18News 17 January 2013 http://www.forum18.org/archive.php?article_id=1791).

Raids, literature confiscations

Police continue to raid religious meetings by groups which are unable to or do not wish to gain state registration. Such raids have been common in recent years, often leading to administrative fines (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

In separate raids in mid-November in the central town of Ismayilli and in the northern town of Balakan, police questioned Muslims who meet with others to discuss their faith using the works of the late Turkish Muslim theologian Said Nursi. Officers also searched their homes. In Ismayilli, police seized about 60 copies of books from Nursi's Risale-i Nur (Messages of Light) collection, fellow Muslims complained to Forum 18 from Baku.

"So far no one has been fined in either place," fellow Muslims told Forum 18. "The aim seems to be to scare people."

"An unlimited discretionary power"

On 21 October the European Court of Human Rights (ECtHR) in Strasbourg found that Azerbaijan's forcible dissolving in 2003 of the Islam-Ittihad Association violated the NGO's rights under Article 11 ("Freedom of assembly and association") of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Islam-Ittihad Association failed to overturn the stripping of state registration from it through the Azerbaijani courts. The Supreme Court in Baku rejected their final challenge in July 2004 (see F18News 22 July 2004 http://www.forum18.org/archive.php?article_id=369).

In its judgment, published on 13 November 2014, the ECtHR found that the Association was closed down for, among other things, deciding to organise pilgrimages to Muslim holy shrines and criticising, in an internal meeting, the state-backed Caucasian Muslim Board. The group had criticised the Board for having "a monopoly on Islam in the country and that its officials had weakened the social and moral situation of the country, which was already low, by accusing each other of corruption in the media". The state described this as "illegal" religious activity.

In defiance of Azerbaijan's international human rights obligations, the state-backed Caucasian Muslim Board imposes total control of all Islamic religious activity in the country (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

In its judgment, the ECtHR also criticised the fact that Azerbaijan's published law gives the authorities "an unlimited discretionary power" to define and so prosecute "illegal" religious activity (Application no. 5548/05 – see <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-147866>).

The ECtHR ordered Azerbaijan to pay the applicants 6,000 Euros (5,880 Manats, 50,700 Norwegian Kroner, or 7,500 US Dollars). ECtHR judgments become final three months after being handed down, unless either side challenges them.

"Great moral victory"

Islam-Ittihad's founder, Ilgar Ibrahimoglu, welcomed the ECtHR judgment, though he noted that the organisation had to wait 11 years for it. "It is a great moral victory and a testimony that our rights have been violated," he told Forum 18 from Baku on 1 December. He thanked the organisation's lawyer Bill Bowring, who led the case in Strasbourg, and "all our friends who defended us".

Bowring, who is Professor of Law at Birkbeck College, University of London, thinks the Islam-Ittihad judgment "makes very clear the relationship between freedom of religion and freedom of association". He told Forum 18 on 1 December that it "absolutely" has relevance for the many religious communities which have been arbitrarily denied state registration in Azerbaijan. "The judgment makes absolutely clear the principles at stake."

However, Professor Bowring warns that Azerbaijan, while paying compensation to victims awarded by the ECtHR, has a "poor record in terms of compliance". Governments are required to change laws or practices to prevent recurrences of human rights violations but, he notes, Azerbaijan often fails to do so.

Chingiz Asgarov, Azerbaijan's representative to the Court, told Forum 18 from the presidential administration on 27 November that the government has not yet decided whether to appeal against the decision. "So I can't comment on the case for now," he said. "We only got the decision a few days ago. We will examine the decision and then decide. We have time."

Can religious-related NGOs gain state registration?

Sabina Salmanova, head of the Non-Government Organisation Department at the Justice Ministry, said she knew nothing about the Islam-Ittihad Association and the stripping of registration from it in 2003. "I didn't work here then," she told Forum 18 from Baku on 27 November. "If it had been the case, it would have been for a valid legal reason." She had not seen the ECtHR decision and was unable to say if her Ministry will now re-register the Association.

Forum 18 asked Salmanova why several NGOs which work on religion-related themes were denied Justice Ministry registration – not only Islam-Ittihad but the local affiliate of the International Religious Liberty Association (IRLA) and the Muslim NGO Devamm (see Forum 18's Azerbaijan religious freedom survey http://www.forum18.org/archive.php?article_id=1690).

Salmanova was unable to explain why these three organisations were unable to gain legal status or had it stripped from them. "But religious organisations register with the State Committee for Work with Religious Organisations, not with the Justice Ministry," she told Forum 18. Told that these were NGOs which did not themselves conduct worship activity but whose work was related to religion, and asked whether the Justice Ministry would register such NGOs, she responded: "Why not? If their papers are in order." (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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